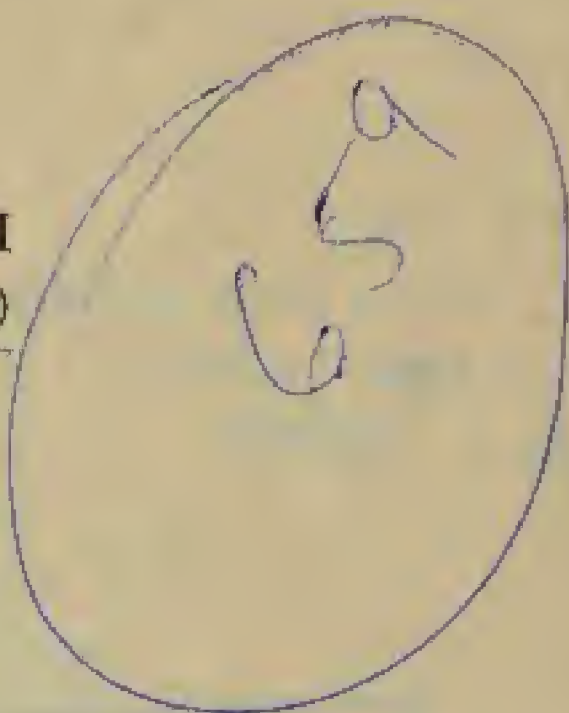
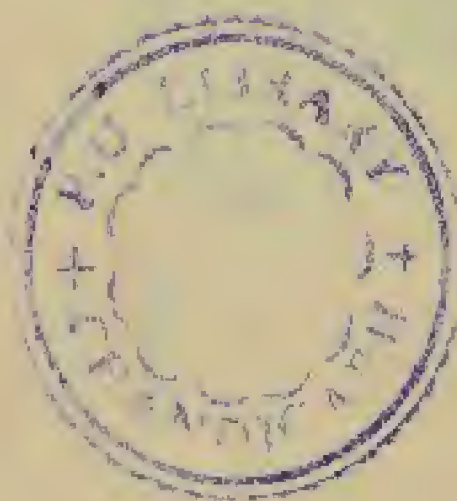


HISTORY OF SIKH STRUGGLES

VOLUME I
(1946—1966)



By
GURMIT SINGH
M.A., L.L.B., Ph.D.



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Dedicated

To

Captain (Retd.) BHAG SINGH
(Editor, Sikh Review, Calcutta)

1972

PREFACE

Sikh history is in fact the history of a people struggling to be sovereigns in their homeland. This struggle has been continuous during the past almost five hundred years and has been persuasive, aggressive and constitutional. However, the Sikhs themselves remained so occupied with their struggles for even basic human rights which were denied to them by the rulers of the time, that they found no time to write their history. Whatever was written about them by the non-Sikh historians was distorted and motivated. Particularly since 1947, there has been a calculated attempt to erase the Sikhs from the mainstream of history so that they lose their identity consciousness and consequently will power to fight for their rights. Therefore, we find very little authentic record of modern Sikh history and whatever has been written is so vague and unauthentic that no reliance can be placed on it.

This book is the first authentic and systematic study of the Khalistan movement that explains the historical background of the recent developments in Punjab. Sikh agitation in the present is in fact a direct result of assimilation of grievances not attended to by the British rulers of India as well as the Indian government as the Sikhs constituted only a microscopic minority in the all India context.

In the present work an attempt has been made to give a chronicle account of events relating to Sikhs particularly since the time of partition. To make the work authentic almost all the important documents referred in the text have been added as appendices. These documents are lying scattered and have been compiled for the first time. As the number of these documents is very large, the present work is being brought out in two volumes. The present volume extensively covers the period

from 1946 to 1966 although documents of the earlier as well as subsequent period have also been included to make the study upto date with its proper historical background.

The book covers a wide spectrum of opinions without taking sides. However, to help the readers to locate the problem, the book provides all relevant material relating to deepening discontent amongst the Sikhs. A chapter on debates in the Constituent Assembly of India has been included to explain how and why the Sikh representatives S. Hukam Singh and S. Bhopinder Singh Maan rejected the Indian Constitution. House of Lords Judgement, whether Sikhs are a race and a nation, has also been included. Justice Denning's comments on this judgement which he made in his memoirs after his retirement have also been included. Home Ministry's note on Khalistan and excerpts from Minority Commission's Report also stand incorporated.

I have tried to utilise all my wits of a lawyer, historian, political scientist and a journalist to make this work unique and authentic.

I am grateful to various authors and journalists from whose works I have freely borrowed. I am also thankful to my Publisher, Atlantic Publishers & Distributors, New Delhi, for bringing out this book quickly but nicely. I am also thankful to my wife who provided the warmth of affection and to a friend who served my favourite cold coffee to enable me to complete this thankless job.

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Mohali

DR. GURMIT SINGH

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1

THE BIRTH OF A NATION

The word "Sikh" is derived from the Sanskrit word "Shishya" which means 'disciple'. Sikhs are the disciples or followers of Guru Nanak who was born in 1469 A.D. at a village Rae Bho Di Talwandi, which was later on named Nankana Sahib (now in West Punjab of Pakistan) where his father was revenue official and he received his divine enlightenment in 1499 at Sultanpur Lodhi (now in East Punjab of India).

Sikhs number 10,378,797 in India according to 1971 census *i.e.* 1.89 per cent of the total Indian population but they are mainly concentrated in Punjab where according to 1971 census they formed 60.22 per cent of the total population.

The Sikhs have a common origin *i.e.* the Punjab. According to judgement delivered by Judge Toyn of the case "The Commission For Racial Equality Vs. Genture Restaurants Ltd." in 1979 "the number of Sikhs of non-Punjabi origin is minimal." Most Sikhs, about 98 or 99 per cent originate from the same part of the Globe, the Punjab. Every coloured Sikh is originally from Punjab. Thus the homeland of the Sikhs is Punjab *i.e.* the plains watered by the five rivers Jhelum, Chenab, Ravi, Sutlej and Beas which ultimately flow into Indus. Guru Gobind Singh, the tenth and the last apostle of the Sikhs in his autobiography 'Bachittar Natak' describes it as "Madr Desha" *i.e.* the mother land.¹ This Punjab has a geographical unity distinct from the neighbouring countries and the rest of India. It is shaped like a scalene triangle balanced on its sharpest angle. The shortest side is in the

north and is composed of the massive Himalayas which separate it from the Tibetan Plateau. The western side is bounded by the river Indus from the point it enters the plains to another point 1650 miles downstream, where it meets the confluence of the Punjab's rivers at a place named Panjnad, the five streams. Westwards of the Indus runs a chain of rugged mountains, the Hindu Kush and Sulaiman pierced by several passes like the Khyber and the Bolan which have served as inlets for the people of the countries which lie beyond Afghanistan and Balauchistan. The eastern boundary of the Punjab's triangle is not clearly marked, but from a point near Karnal where the Jumna plunges south-eastwards a jagged line can be drawn upto Panjnad, which will demarcate the state from the rest of Hindustan and the Sindh desert.²

John Malcolm in '*Sketch of the Sikhs*' (1810) wrote :

The country now possessed by the Sikhs, which reaches from latitude $28^{\circ} 40'$ to beyond 32° N and includes all the Punjab, a small part of Multan and most of that tract of country, which lies between Jumna and the Satlej, is bounded, to the northward and westward, by the territories of the King of Kabul; to the eastward, by the possession of the mountaineer Rajas of Jammu, Nadon and Srinagar and to the southward, by the territories of the English government, and the sandy deserts of Jaisalmer and Hansy Hissar."

Physically a Sikh is generally tall, well built, aquiline-nosed and heavily bearded man. People of Punjab if not rigidly, are of the same ethnic group, they are definitely of similar ethnic types and none is high or low or superior on the ground of birth because purity of blood or race is only a myth and not a reality because so many tribes have appeared and disappeared on the soil of this ancient country which has been described as a cauldron of races. However, Ibbetson in his Census Report of Punjab 1881, says that some tribes of Punjab are almost certainly aboriginal and most of their customs, beliefs and worships are peculiar to themselves. Amongst these tribes are the *Labanas*, the *Mahatams*, *Packhiwaras*, the *Sikligars*, the

Sansis, the Ods, the Harnis, the Bazigars, the Chuharas and the Chamars etc. So much so that even some writers have claimed that even the Jats of the Punjab are aboriginals. The universal opinion of writers cannot be denied that the Sansis and the Jats are used synonymously for the Gypsis. The Sansis are proud of giving birth to the first Sikh ruler Maharaja Ranjit Singh whose Sansi ancestry has been mentioned, to quote a few by Griggin,⁴ Rose,⁵ Lethbridge.⁶

Sikhism claims the entire allegiance of man and everything that motivates the Sikh community springs from a power source of religion. It is an all embracing religion which deals with social life as well as relationship *inter se* between Sikhs. It also provides guidelines with regard to affairs of the State and with regard to relationship between the church and the State. But at the same time it leaves a vast field of human activity free from all shackles, so that mind can follow its own inclinations and explore new avenues. For example with regard to food and dress Guru Nanak laid down that you can eat any food or wear any dress except that which impairs the body and creates passions in the mind. Thus Sikh religion lays down the general guidelines which have implications which change with different times, places and attitudes. As a result the Sikh community develops as distinct from the Sikh religion in response to the environmental pressures and changes around it.

India in the middle ages experienced abundance of religious expression by Saints, which is collectively known as Bhakti movement, which may be described as the Hindu mystic renaissance because its fundamental thought had its roots in the Vedanta. Sikhism, although a contemporary movement cannot be treated as a part or an off-shoot of Bhakti movement because as Cunningham in his History (1848) points out, while the Saints of the Bhakti movement were so impressed with the nothingness of this life that they deemed the amelioration of man's social condition to be unworthy of a thought, "it was reserved for Nanak (the first Sikh apostle) to perceive the true principles of the reform and to lay those foundations which enabled his successor, Gobind, to fire the minds of his countrymen with a new nationality and to give

practical effect to the doctrine that the lowest is equal with the highest in race as in creed, in political rights as in religious hopes."⁷ Mohsin Fani in his historical work *Dabistan-i-Mazahib* written in the mid seventeenth century writes, "In short, the disciples of Nanak condemn idol-worship. Their belief is that all their Gurus are Nanak, as has been said. They do not read the Mantras of the Hindus. They do not venerate their temples of idols, nor do they regard for the Sanskrit language which according to the Hindus, is the speech of the angels."⁸

Guru Arjan, the fifth apostle of the Sikhs himself declared in unambiguous terms in the *Adi Granth* that Sikhs were distinct from Hindus and Muslims. He writes :

"I do not keep the Hindu fast, nor that observed by Mohammedans in Ramzan.

I serve Him and Him alone, who is my ultimate refuge.

I believe in the same Master who is also Allah.

I have broken with the Hindu and the Muslim.

I won't go on Hajj to Mecca, nor do I worship at the Hindu places,

I shall serve Him alone and no other.

I won't worship idols nor read Namaz.

I shall lay my heart at the feet of the One Supreme Being.

We are neither Hindus nor Muslims.

We have dedicated our bodies and souls to Allah Ram."⁹

Guru Gobind Singh, the tenth apostle of the Sikhs had advised the Sikhs to maintain their separate identity. He had warned that if they followed Hindu customs and rituals he will cease to have any connection with them.

In his letter '*Zafarnama*' i.e. Epostle of Victory, Guru Gobind Singh, wrote to Emperor Aurangzeb that he was deadly opposed to Hindu ritual of idol worship.¹⁰

Although Guru Nanak was born in a Hindu family, yet the religion founded by Him and stabilized by his successors was as separate from the ancestors religion as was Christianity and Islam from religions of the ancestors or parents of Lord Jesus Christ and Prophet Muhammed. Under the divine inspiration, Guru Nanak had broken away from his ancestor's faith, and

had not embraced any other religion. He had repeatedly declared that he was neither a Hindu nor a Muslim. His religion was his own, independent of Hinduism and Islam.¹¹ He refused to undergo the *Upanayana* ceremony i.e. the initiation ceremony of his Hindu ancestors of wearing the sacred thread. According to Joseph D. Cunningham, "In religious faith and worldly aspiration they (Sikhs) are wholly different from other Indians, and they are bound together by an object unknown elsewhere."¹²

Dorothy Field, in his book 'The Religion of the Sikhs (1914)' writes :

"There is a tendency at the present day to reckon the Sikhs as a reformed sect of the Hindus; and this has become a matter for controversy among the Indians themselves. The word Hinduism is undoubtedly capable of a very wide application, but it is questionable whether it should be held to include the Sikhs in view of the fact that the pure teachings of the Gurus assumed a critical attitude towards the three cardinal pillars of Hinduism, the priesthood, the caste system and the Vedas. A reading of the Granth strongly suggests that Sikhism should be regarded as a new and separate world religion."¹³

Sikhs have always been conscious of their distinct entity and they strongly resent any effort to subdue it. When Mahatma Gandhi referred to Sikhs as a Sect or part of the reform movement within Hinduism he was rebutted by the Sikhs and he had to say, "I do not quarrel with the Sikhs for considering, if they wish, Sikhism as totally distinct from Hinduism and when during my first visit to Punjab a few Sikh friends told me that my reference to Sikhism as part of Hinduism displeased them I ceased to refer to it as such."

In matters relating to social polity, the Sikhs defected the authority of ancient Indian Codes and developed their own. According to Griffin :

"The Sikhs had abandonth the Hindu faith, and with it the system of law which is the basis of that faith, and which was inseparable from it. For a hundred and fifty

years they had been governed, as far as chiefships were concerned, by another code altogether, and it was as reasonable for them to refer to Manu and the Shastras as the source of legal authority, as it would have been for Muhammadans who had embraced Sikhism to appeal to the Shara''¹⁴

People of Punjab follow customs which are very ancient and all embracing. The Hindu agriculturist of Punjab knows nothing of caste, except as represented by his tribe. No doubt he respects the Brahman and calls him in and feeds him on occasions of rejoicing or sorrow, but he would never dream of referring to him or to the Hindu Law for guidance in his daily life. If he has ever heard of the 'Dharam Shashtra' at all, which is very improbable, he has only done so as a Spanish peasant may have heard of Bible; he knows nothing whatever of its contents or principles, nor could the Brahman himself enlighten him.'' ¹⁵

Hindu Brahmanism, could not strike its roots in Punjab. To quote Baden-Powell : ¹⁶ "Whatever early Aryan clans may have settled in the Punjab they were non-Brahmanical and would not long have remained distinct. There were also local Aryan kingdoms and later settlements of Rajputs. The country was also overrun by later northern or Indo-Scythian tribes, and was afterwards directly affected both by the earlier Moslem conquests. These considerations combine to explain why the strict Hindu element is comparatively slight in the Punjab and that apart from the fact that so many clans become Muhammadan and others Sikh. Indeed the very fact of such conversions shows how little any Brahmanical system had taken hold on the country at an early date. In the Punjab plains there are no ancient Brahmanical monuments. The Hindu Law of the books is unknown, and to this day local customs of various kinds, sometimes quite opposed to the later Hindu ideals, are in vogue.

The territories now included in the Punjab were, with a few exceptions, absorbed in the British Empire between 1803 and 1849. On the 30th of March 1849, the proclamation annexing the Punjab was read at Lahore. Punjab Civil Code was first prepared by Hon'ble Sir Richard Temple in 1854. In fact

it was an attempt to effect a codification of the *Pex loci* in the Punjab. Section 5 of this code provided :

“Whenever it may appear that the Hindu, Muhammadan or other law has been in any district superseded by local usage, and that both the parties would ordinarily be bound by custom rather than by law, the court may ascertain the custom from competent and experienced persons and decide according to it.”

But the difficulty was that there was no written record of the customs prevailing among the various tribes inhabiting the Punjab, particularly those living in rural areas. Their customs, which in several material particulars differed from Hindu or Muhammadan Law were enshrined in the “unexpressed consciousness” of the people and were enforced by village or tribal panchayats. After annexation by the British, the revenue officers who were making summary settlements in the districts attempted to record some of these customs in the village administration papers by preparing *Riwaj-i-am* for each village setting out under appropriate heads the customs as ascertained from leading members of the dominant agricultural tribes. Thereafter Sir Louis Tupper brought out his treatise ‘Customary Law’ in three volumes in which he incorporated the material gathered by Settlement Officers all over the province. A careful study of these records disclosed a great similarity in the customs prevailing in most parts of the province. In 1880, Sir William Rattigan, an erudite Scholar, compiled Digest of Customary Law in which he arranged the customs of Punjab with regard to succession and maintenance, appointment of an heir, alienation, guardianship, religious institutions and Waqf property, pre-emption, land laws and tenures, the village common land, village cesses, mercantile usages, special property of females etc.

Thus the Sikhs have a Civil Code of their own in the form of this customary law, which has been updated by decisions of law courts. An important step towards the codification of Sikh laws was the passing of ‘The Anand Marriage Act (1909).’ This Act No. 7 of 1909 passed on 22nd October 1909 in its objects and reasons provided :

“Whereas it is expedient to remove any doubts as to validity of the marriage ceremony common among the Sikhs called Anand, it is hereby enacted as follows :

1. This Act may be called the Anand Marriage Act.
2. All marriages may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law.”

While interpreting this section 2, Mr. Justice A.D. Koshal of the Punjab and Haryana High Court in *Ravinder Kumar Vs. Kamal Kanta* :¹⁷

“Held, that a bare perusal of clause (a) and (b) of subsection (1) of Section 2 of the Hindu Marriage Act makes it clear that the Sikh religion which permits the Anand Karaj form of Marriage is treated by the Act as distinct from the religion which does not recognise as valid any marriage ceremony wherein the ‘*datta homani*’ and ‘*Saptapadi*’ are not performed.”

Later Mr. Justice Surinder Singh of the Punjab and Haryana High Court in a case *Daya Wanti Versus The State of Haryana*¹⁸ held that where parties to the marriage were Hindus their marriage according to Anand ceremony *i.e.* taking *lawan* in front of Guru Granth Sahib, can’t be treated as valid marriage. This establishes beyond doubt that the Sikhs have exclusive civil laws by which they are governed.

Besides marriage ceremony the Sikhs also solemnise domestic rites such as naming, turban tying a boy child and initiation. The usual ceremony includes recitation from the *Adi Granth*.

The author of *Panth Parkash* lists the differences between the Sikh ceremonies and those of others to prove that Sikhism is a sovereign and distinct faith. He writes, “Their (Sikhs’) community is distinct both from Hindus as well as the Muslims. They do not marry according to Hindu or Muslim ceremonies but according to their own Anand form. On the

death of a Sikh male or female, they distribute sweet pudding. They do not perform the Hindu Kirya ceremony nor do they submerge the ashes in river Ganga. Instead on the tenth day of the death, they recite from the holy Granth and by distributing alms to the poor. They do not wear the Hindu sacred-thread and mark nor they worship idols. They worship one God and none else. They do not read, listen or revere the Vedas, Purans and Quran. They believe only in the teachings of Guru Nanak. They drink 'Amrit' from the same Bowl and also eat together like real brothers. They have completely broken with their past, caste, clan and ancestry."¹⁸

Qazi Noor Mohammad who had accompanied Ahmad Shah Abdali during latter's seventh invasion of India, who was otherwise biased against the Sikhs, in his witness account of the Sikhs of the 18th century (1765 A.D.) writes in his work Jangnama, that the Sikh customs are founded on the teachings of (Guru) Nanak who laid the foundation of a new religion. (Guru) Gobind Singh, the successor of Guru Nanak gave them the title 'Singh'. They are not Hindus because their way of life is altogether different from Hindus.

Under the pontificate of Guru Amar Das, the third apostle of the Sikhs, according to Indu Bhushan Banerji :

"Sikhism forged its own weapon, hedged itself behind newer forms and customs, in short developed individuality of its own. It was under Amar Das that the differences between a Hindu and a Sikh became more pronounced and the Sikhs began gradually to drift away from the orthodox Hindu society and form a class, a sort of new brotherhood by themselves."¹⁹ Therefore, Khattris and Brahmins of Goindwal, being jealous of Guru's growing influence, and resentful of his unorthodox views and practices, complained to Emperor Akbar against him praying that he might order the abolishing of the new fangled practices."²⁰

According to Bhai Santokh Singh's Suraj Parkash (1847) the complaints alleged that amongst "the Hindus' Gayatri Mantra" is considered to be the most sacred, but he (Guru Amar Das) does not know even that, nor does he respect it. He preaches his own word, called Gurbani. It was thus alleged

that Guru was obliterating their old caste, customs and religious beliefs and the king should, therefore, defend their heritage.²¹

Thus Sikhs have not only a distinct faith but a distinct social structure, way of life and a culture. All this had developed during the life time of the Sikh Gurus themselves. According to *Suraj Parkash* (1847), Guru Gobind Singh had declared that Khalsa is different from the other two major Indian groups namely Hindus and Muslims.²² According to '*Panth Parkash*' the Sikhs had developed consciousness of their distinct entity and formed a commonwealth. They had completely broken off with the Hindu customs and were offended if someone called them as Hindus.²³ The commonwealth of Khalsa was a socio-political order. It was a corporate body of people who aimed at a new socio-political resolution.

In his very outward appearance a Sikh is very different from any other group which makes them a distinct ethnic group. With long hairs and carefully maintained unshaved beard, a Sikh can be easily recognised even in a crowd. He always goes out wearing a turban, a cap or hat being strictly forbidden to him. The turban of a Sikh is of a very distinct pattern and he can be very easily picked up in a crowd of miscellaneous mortals practically in any part of the globe. There is in his appearance and bearings and the way he moves and behaves, a special indication which distinguishes him and shows to the world, "There goes a Sikh."

Turban is an inseparable part of the Sikh dress and should be tied afresh everyday after combing the hairs properly.²⁴ A Sikh attains his full form only after he has tied a turban.²⁵ The turban also adds to the dignity of the person wearing it. This turban as a distinctive dress also emphasised the spirit of brotherhood amongst the Sikhs.

According to Dr. Ganda Singh, the famous historian and authority on Punjab history, "as Sikhs are easily recognisable by their bearded faces and headgear, *dastar* or turban, they also serve them as helpful deterrents against undesirable acts and behaviour and keep them to the right path."²⁶

Socially and culturally, turban has become part of the Sikh dress. If one wants to offend a Sikh, and the Sikh is not at

all religious, they will knock off his turban or something like that. It is thus associated with dignity and self-respect apart from the religious aspect.

Turban symbolises a Sikh's loyalty and integrity as well, because whenever persecution of Sikh starts a Sikh wearing turban can't disown Sikhism as his faith.

Pyjama Kurta is the normal dress of Punjabi males and some of them wear even short trouser (Kachha) instead of Pyjama but with western influence increasing, more men in cities have started wearing trousers and shirts. Sikh women normally wear Salwar-Kameez *i.e.* the trousers and tunic. Around their shoulders or over their heads women wear muslin scarf called *Dupatta* or *Chuni*.

A Sikh is prohibited from wearing a cap of any type.²⁷ Similarly, abstinence from smoking is the most important factor which separates the Sikhs from the followers of any other religion of the world. According to Sikh theologian Bhai Santokh Singh, Guru Gobind Singh had preached that God will shower all his bounties on those who do not smoke.²⁸ According to Sir Griffin, Guru Gobind Singh promoted this prohibition against smoking with the object of separating his followers from the general body of Hindus." The Sikhs were counselled by their Gurus not only to abstain from the destructive weed, but even not to associate with smokers.

The Sikh diet is also distinct from others although Sikhism neither prohibits nor enjoins the taking of anything. It tends to train the mental faculty of an individual to such a stage that he can decide for himself. Sikh scripture provides the rational criterion "Whether or not the food we take, does in any way, injure our health." The Sikh diet includes substantial quantity of fresh milk and milk products such as butter, ghee, paneer, curd etc. besides meat, pulses and sweet puddings. McCarrison²⁹ experimented on rats the various indian diets and at the end of 2½ months, the weight average and percentage increase varied as under :

<i>Diet</i>	<i>Average Final weight in grams</i>	<i>Average percentage of Gains</i>
Sikh	235	60
Pathan	230	58
Mahratta	225	54
Gurkha	200	40
Kanarese	185	35
Bengali	180	33
Madras	155	23

As we pass from the North-west region of the Punjab where live the Sikhs, observes McCarrison, down the Gangetic Plain to the coast of Bengal where live the people whose diet proved almost the worst for the rats, there is a gradual fall in the stature, body weight, stamina and efficiency of the people.

Another distinctive outward feature of a Sikh is his unshorn hairs of his head and beard. This was described by Guru Gobind Singh as insignia of a Sikh in his writing to the Sikh congregation on June 25, 1699.³⁰ From the time that he (a Sikh) is admitted into the fraternity, he wears a steel ring round one of his wrists, lets his hair and beard grow to full length and calls on the name of the Gooroo in confirmation of all engagements.³¹

The British acknowledged the Sikhs religious symbols and encouraged them to preserve them. The Army regulation of the British reads :

“The Paol (Pahul) or religious pledges, of the Sikh fraternity, be not interfered with. The Sikh should be permitted to wear his beard, and the hair of his head gathered up, as enjoined by his religion. Any unvasion, however slight, of these obligations would be construed as a desire to subvert his faith, lead to evil consequences, and naturally inspire general distrust and alarm. Even those who have assumed the outward conventional characteristics of Sikhs should not be permitted, after entering the British army, to drop them.”

Knee-length pair of breeches (*Kach*) and a sabre (kirpan) are the other emblems prescribed for a baptised Sikh. Article 25 of the Indian Constitution guarantees the Sikhs their Fundamental Right to wear kirpan. However, sometimes a controversy has been raised by some governments about the size of the sword which a Sikh has a right to carry. The matter was decided by Mr. Justice P.L. Bhargava of the Allahabad High Court in a case *Rex Vs. Dhyani Singh*³² wherein it was laid down :

“Kirpan means a sword and its size or shape has not been prescribed by the Sikh religion. It may be a sword of any size or shape. The contention of the learned Government Advocate that all kirpans may be described as swords, while all swords cannot be described as kirpans assumes that kirpan is of a particular size or shape, which is different from the size or shape of a sword; but for the reasons stated above, there is no warrant for such an assumption. Once it is conceded that a kirpan and a sword are synonymous terms, a sword of any size or shape, miniature or big, may be worn or carried by a Sikh as a religious emblem.

The next question which arises for consideration in this case is whether Dhyani Singh as a Sikh was entitled to possess two kirpans or swords for being used as a religious emblem. I have stated above that the Sikh Guru Govind Singh had ordained that every Sikh must carry five visible signs of his profession of the Sikh religion viz. *Kes*, *Kangha*, *Kirpan*, *Kachh* and *Kara*. This would indicate that a Sikh can wear and carry only one each of these signs; in other words, he can wear and carry only one Kirpan.”

The Sikhs have a national insignia of their own which is called ‘Khanda’, i.e. the two kirpans (swords) franking the quoit. It has a rich history and emotive force. In the Dasam Granth Guru Gobind Singh refers allegorically to the *Khanda* which was created in the beginning before the world of appearances was created.³³

The Sikhs have a national flag which is of yellow colour and is triangular in shape. It has Sikh insignia i.e. a saif

surrounded by two swords and the holy sign Ek Onkar inscribed on its furling part.

The Sikhs have a national anthem which they sing at the beginning of their non-religious meetings. This was written by Guru Gobind Singh and reads as under :

“O Lord, these boons of Thee I ask,
Let me never shun a righteous task,
Let me be fearless when I go to battle,
Give me faith that Victory will be mine.
Give me power to sing Thy praise,
And when comes the time to end my life,
Let me fall in mighty strife.”

Sikh coin is called *Nanak Shahi*. It was first struck by Banda Bahadur and bears the inscription, “This coin is struck by the Grace of the True Master Nanak and also the Victory that Gobind Singh, the king of kings brings.” This coin continued to be minted by Sikh rulers with the exception of a distinctive mark or sign of the chief issuing them. The writing on the reverse of the coin indicated the place and its year of minting.

Sikhs have a religious belief contained in their scripture Sri Guru Granth Sahib which they revere and as taking of an oath is not contrary to their religious beliefs, Sikhs should be permitted to take oath. The matter came up for judicial review as back as 30 January 1892, when Lal Singh, a Bar student charged with an offence, insisted to give his evidence on oath by saying : “I am a Sikh. I have a religion. In India I could be sworn upon a book called Grantham.” When he was examined on solemn affirmation and not oath, the matter went up in appeal. It was held by Mr. Justice Hawkins that it was wrong to let Lal Singh make a solemn affirmation instead of taking an oath. Wills, Charles, Lawrence and Wright JJ all concurred.

Another case law on this point is the case of Pritam Singh, who was charged before the Hudders Field Magistrate. When he wanted to give evidence, no religious book of the Sikhs could be found as then in 1957 only three copies of Granth Sahib were found in entire Britain and none was available to

Hudders Field Magistrate and, therefore, Pritam Singh was made to depose on solemn affirmation. The matter went in appeal before Mr. Commissioner Wrongham at Leeds Assizes who held that a Sikh must take the oath.³⁴

The authors of "Boland And Sayer On Oaths And Affirmations"³⁵ record the case of R vs. Singh and others in which at the Birmingham Summer Assize in 1960 the following method of taking the oath was adopted :

Sikh-Form of Oath

(A bowl of water should be available)

(Officer to witness) : Do you wish to wash your hands ?
Please remove your shoes and cover
your head.

The Granth should then be offered to the witness in a cover *i.e.* box or envelope and he must remove it himself.

(Officer to witness) : Now take the Granth from its
cover, look upon it and repeat after
me :

"I swear by our Wahi Guru the founder of Sikh religion,
that the evidence I shall give, shall be the truth, the whole
truth and nothing but the truth."

(Officer to witness) : Are you bound by that oath ?

Witness : Yes.

This oath can be taken on a *Gutka* instead of Granth.

Sikhs have their own distinctive prefix for their names. The Sikh equivalent of 'Mr.' is Sardar and that of 'Mrs.' is Sardarni.

Similarly Sikhs have a unique mode of Greeting each other. By joining their two palms they utter "Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh."

The Sikh war cry is "Jo Bole So Nihal, Sat Siri Akal."

The form of Sikh address to the Sikhs congregated for social purposes is "Khalsa Ji" or "O ye of the Elect." In this very form of address, there is that feeling of exclusiveness that feeling of oneness "as a people" distinct from any others,

that determination to remain one, which stamps and characterizes a nation.

Every Sikh has a appellative "Singh" at the end of his name since the time of creation of Khalsa. This practice not only does away with class distinctions but also guarantees social, religious and political equality and binds them into an organization known as Khalsa. Sikh ladies similarly have the word "Kaur" at the end of their name.

Sikhs have their own calender which is based on 'Sankrant' calculation. It starts from 1st Baisakh Samvat 1526 Bikarmi, which was Sunday and on this day Guru Nanak is said to be born.

In the fields of architecture, music and painting, the Sikh style constitutes the beginning of a new epoch. In architecture, the Sikhs adopted the Indo-Sarcenic style which is not a sheer combination of the Hindu and Muslim architectural traditions rather it marks the begining of a new school of architecture in India. To quote Percy Brown : "The architectural style adopted by the Sikhs, which is in appearance, of Moghal extraction, as the result of adoptions combined elaborations, presents a certain character of its own, not, however difficult to identify."

Historian of Indian art is pleasantly surprised to meet with the products of a Sikh School of Painting. This school provides a happy but significant sequel to the Hill Schools of the Punjab Himalayas.³⁶ 'Guru Nanak's view of art, as depicted in his Kirtan Sohila' is that if we only tune our souls to the things of living beauty around us we realise that every moment of our life, the divine spirit outside us speaks to the divine spirit within us. Several Sikh artists such as S.G. Thakur Singh and Serbjeet Singh have, therefore, distinguished themselves in painting land scapes.³⁷ Another major motif of Sikh painting is portraits of the Sikh Saints and heroes. The early Sikh artists garnished prayer books with floral designs and paintings of the gurus at appropriate pages. Contemporary Sikh artists Sobha Singh, Kirpal Singh and Thakur Singh have painted portraits of the Sikh gurus which possess photographic likeness of the subject.³⁸ The lively seated efficacy of Jassa Singh Ramgarhia (died 1816), the famous founder of a Sikh clan, could be claimed as one of the earliest records of Sikh

Portraits.³⁹ The frescoes on the walls of Golden Temple Amritsar started altogether a new era in this particular branch of painting. This technique was a speciality among the artists of Ramgarhia clan.

In the field of music, there are several traditional schools of Sikh music—which specialise in their peculiar styles of singing in classical mould. The Sikh religious hymns included in the Sikh scripture *Adi Granth* were composed by the Sikh Gurus in sedate melodies of graceful textures for which a unique style of singing with 'natural grace' in slower medium tempos was evolved so that the mind of the listeners gets attuned towards God without any effort.⁴⁰ Sikh Gurus made several modifications in the traditional Ragas as is evident from their omission of certain measures like Hindol, Megh etc. because they led people to wild transports of joy and Deepak Jog etc. because they made people too sad. They therefore, used these Ragas to modify other Ragas; as for instance, Hindol was combined with Basant to vivify serene joyfulness and Deepak was used to heighten the seriousness of Gauri to make it more vigorous. In Tilang Asa and other frontier Ragas a visible combination was made not only in the execution of music, but also in the composition of the pieces set to music.

Some musical instruments were also invented by the Sikh Gurus. Guru Nanak invented a Rabab which had six main strings of silk instead of goat-geet while the ordinary Rabab has five main strings and twenty-two metallic strings below for resonance.⁴¹ Guru Gobind Singh similarly invented a string instrument which was a kind of Sarinda except the body which is shaped like a peacock, complete with long neck and beak.⁴²

Bhai Surjan Singh, Bhai Samund Singh and Bhai Darshan Singh are some of the recent Sikh singers. 'Singh Bandhus' are another pair who have made their name in non-religious classical music.

The Sikhs have a language and a script of their own. The Sikh religion, its traditions and culture are deeply linked with Punjabi language and its script Gurmukhi. This Gurmukhi script was invented by the second Sikh Guru, Guru Angad⁴³ during the tenure of his Guruship (1539-1552). The very name of the script, writes Gokal Chand Narang, "reminded those who employed it of their duty towards their Guru and

constantly kept alive in their minds the consciousness that they were something distinct from the common mass of Hinduism, that they were regenerated, liberated and saved." The earliest example of Punjabi poetry were heroic ballads (Vars) which were sung to specific tunes, composed by fifth Guru Arjan during his guruship (1581-1601). Punjabi language possesses a rich literature which has unique features such as the three great epics—Heer Ranjha, Sassi Punnoo and Sohni Mahiwal. Most of the Sikh religious and historical literature is also written in this language. The Sikh Gurus wedded the Sikhs to art by making poetry, music and aestheticism the foundation of Sikhism.

Daily prayer of the Sikhs is crystallisation of the Sikh nations history. The Sikhs daily repeat the whole tale of joys and sufferings in their prayer. It is living monument of their greatness, which generation after generation of the Sikhs has repeated and recited to keep alive the old fire in their midst. They everyday call to mind "Those who allowed themselves to be cut limb from limb, had their scalps scraped off, were broken on the wheel, were sawn or flayed alive and all those who with the object of preserving the sanctity and independence of the Sikh shrines, permitted themselves to be beaten, imprisoned, shot, maimed or burned alive."

Sikh prayer also seeks to rekindle the fire of establishing the Sikh rule and sovereignty. A Sikh prays, "May the Khalsa always be victorious, may the Sikh choirs, flags and mansions remain forever and may the kingdom of justice come." Commenting on the impact of this part of the Sikh prayer S. Khushwant Singh, the famous Sikh scholar and historian writes :

"I support the present demand for a 'Self-determined political status' for the Sikhs because this 'port manteau' phrase accommodates my concept of an autonomous Sikh Suba within the Indian Union. I am further convinced that all Sikhs whatever their political affiliations subscribe to the same creed. There is not one Sikh temple where the litany 'Raj Kareyga Khalsa' is not chanted at the end of every prayer. Those Sikhs who deny this are either lying to their Guru or to their rulers. If the government really wishes to squash this

sentiment it should seal off all Sikh Gurdwaras and declare the singing of 'Raj Kareyga Khalsa' a criminal offence".³⁴

Sikhism, right from the time of its founder had political dimensions. Guru Nanak's political ideas were in the nature of an embryo which developed into a full-fledged organic institution in the period of later Gurus, particularly the tenth master, Guru Gobind Singh. Guru Nanak found the people of his time too weak to manfully face the aggressors. Centuries of invasions, misrule and persecution had produced the greatest depression and spiritual subjection, and stagnation had aggravated demoralisation to an enormous degree. Guru Nanak, therefore, instead of preaching a religion of passive indifference and submissiveness like other Indian Saints, concentrated on building a society of people who would be in harmony with God but would be able to lead their worldly life with self respect. His preaching were, therefore, directed towards inculcating self-confidence which brought out the virtues of moral force in the common people and enabled them to survive and resist the cruel persecution. If Guru Nanak had the wherewithals, he would have perhaps taken up arms against the forces of oppression, injustice and intolerance. But it must be remembered that Guru Nanak was not against the government for any religious, political or personal reasons. He was against misrule, corruption and despotism. A large number of Guru Nanak's compositions speak eloquently of his attitude towards the corrupt, oppressive and unjust regimes and of his severe condemnation of the conditions prevailing in India in his times. "The kings are like tigers and their officials are like dogs who awaken people from peaceful slumber. Their servants wound them with nails and lick up all the blood that comes out."⁴⁵ Further "Sin is the king and avarice is his minister, falsehood is the mint-master and lust is his deputy. They sit and confer. The subjects are blind and lacking in wisdom. There is the dance of death."⁴⁶

But in spite of his strong opposition to the despotic and corrupt rule, the situation was not ripe for an armed resistance. Latif, a Muslim historian, correctly remarks "Sikhism, in the beginning, namely in Nanak's time, would soon have been extinguished, had its founder adopted the same plan as that recommended by Gobind, namely, free exercise of the sword in

defence of religion."⁴⁷ Guru Nanak, therefore, concentrated on teaching the vanquished people how to obtain political ascendancy and national freedom. At Multan on the occasion of Gur Chatter Fair, according to Latif, Guru Nanak preached openly to the people of all denominations and creeds, his ideas which the Kardars of the Delhi Sultan, Ibrahim Lodi, informed the ruler, prove a threat to the State. Nanak was brought from Multan to Delhi in execution of a royal order and was produced before the Sultan, who after hearing his ideas ordered him to be kept in close confinement. Nanak was kept in prison for seven months and he had to grind corn the whole time.

According to Bhai Bala's *Janamsakhi*, Guru Nanak told Ibrahim Lodi that the latter would be deprived of his kingship after a period of seven months and seven days from the date of imprisonment of Guru Nanak. After five months Daulat Khan Lodi invited Babar to invade India and after the battle of Panipat Ibrahim Lodi was killed and Babar became victorious and Guru Nanak was set free.

Mohsin Fani in his *Dabistan-e-Mazahib* (1645 A.D.) writes that Nanak, having been displeased with the Afghans, deputed the Mughals over them and as a result Babar gained victory over the Afghan Emperor Ibrahim.⁴⁸

But five years before this, during his earlier invasion of India, Babar had also imprisoned Guru Nanak when he had raised his voice against the tyranny committed by Babar's soldiers against the people of Sayedpur in 1521 when they had resisted Babar's invasion. Then Guru Nanak had met Babar who was then hastily retracing his steps to fight Shah Beg Arghun, ruler of Kandhar who had revolted against Babar. Babar had released Guru Nanak being impressed by his godly qualities.⁴⁹

Thus the very first apostle of Sikhism, was imprisoned twice by the rulers of his time, for political reasons. Guru Nanak did not want to establish a secular kingdom for himself, but he did lay down a socio-political doctrine which clearly defines the attitude of his church towards the political authority.

He openly denounced the autocrats, before whose arbitrary will the people, were without any legal protection or right of

their own. He called upon the rulers to act according to reason and to rule in the interest of the people. He denied to the kings their divine right to rule with absolute power. According to him, authority in every sphere ultimately derives its validity from God. The monarch has no divine rights; he exercises his power as a mandate from God, and in order that he may continue to enjoy this boon, he must always act in consonance with God's Will, the king must pay heed to the public opinion as a pointer to God's Will, and must adjust his policies accordingly.

The followers of Guru Nanak had started looking upon him and his successors as a superior temporal authority. Bhai Gurdas, (1558-1637) who acted as scribe of the first compilation of *Adi Granth* under Guru Arjun, was nephew of third apostle Guru Amardas and maternal uncle of the fifth Guru Arjun. He describes the position of the Guru in terms of sovereignty. The Guru, according to him, is the "true king."⁵⁰ He compares the sovereign powers of pontiffs of the house of Guru Nanak with those of Babar and his successors and asserts that those who will not submit to the Guru are rebels who will undergo sufferings.⁵¹ Adherents of Sikh church had thus started treating it not as a church of worship only but also as an institution of social polity.

Guru Nanak himself makes metaphysical use of political phraseology in his verses which may be regarded as a reflection of his preoccupation with politics. They also suggest Guru Nanak's familiarity with contemporary politics, government and administration. This may be inferred from the occurrence in these verses of the phrase 'Sultan, Patshah, Shah-i-alam, takht, taj, hukm, aml, Pathani-aml, Wazir, diwan, naib, muqaddim, raiyat etc. There are also references to the court and palaces, royal canopy, armour, cavalry, trumpets, treasury, coins, mints, salary, taxes and even to revenue-free land. These words occur in *Sri Rag* (Astapadian), *Rag Gauri* (Astapadian), *Rag Asa*, *Japji*, *Rag Vadhans*, *Var Majh*, *Rag Parbhati*, *Var Malar* (Slok), *Rag Bilaval*, *Rag Suhi* and *Rag Basant* of *Adi Granth*.

According to Sikh tradition emperor Babar on meeting Guru Nanak at Syedpur in 1521 had sought Guru's blessings

whereupon Guru Nanak had blessed him that his dynasty will rule over India.

Ghulam Ali Khan in his book *Imaad-ul-Saadat* (1864) writes :

“Hindus and Sikhs generally believe that there was a striking similarity in the dynasty of Nanak Shah and that of Babar Shah. Babar conquered territories by the Will of God, Nanak Shah brought these territories under his spiritual domain. Babar did not have more than ten successors. From Orissa to Karabag which lies between Kabul and Kandhar, ten sovereign rulers can be counted who ruled from Babar to Mohammad Shah. After that Nadir Shah occupied Delhi. From Nanak Sahib to Guru Gobind Singh too there are ten Gurus. These people say “Ten of the Baba and ten of the Babar.”

From this it is evident that concept of double sovereignty, spiritual and temporal, had started taking roots in the minds of the people from the time of very inception of the Sikh church.

This link between the Delhi rulers and the Sikh Gurus continued and whenever any descendant of Babar was in trouble he sought the help of Guru Nanak's successor.

In 1540 A.D. when Babar's son and successor Hamayun was defeated by Sher Shah Suri and was deprived of his Delhi throne, he visited Khadur Sahib to seek blessings of Guru Angad, the successor of Guru Nanak.⁵³ Similarly, when Hamayun's son and successor Akbar during his siege of famous Rajput's fort Chittor found difficulty in penetrating its defences, he sought divine intercession and sent his official Bhagwan Das Khatri to Guru Amar Das, the third Sikh apostle, to beseech the Guru to pray for his success.⁵⁴ Akbar after his victory, visited Goindwal to express his gratitude to the Guru personally. He also made a grant of a large estate for the free kitchen run by the Guru.⁵⁵

When Akbar died in 1605, the throne was contested by his prince Khusrau against Jahangir but Jahangir eventually succeeded in capturing the throne and Khusrau managed to escape from Agra fort in April 1606 and ran to Punjab pursued by the imperial army. Khusrau sought blessings of

Guru Arjun at Tarn Taran. Guru Arjan is alleged to have warmly received him. Jahangir writes about it in his Memoirs, *Tuzuk-e-Jahangiri*, as under :

“In these days, when Khusrau passed along this road, this foolishly insignificant fellow (Arjan) proposed to wait upon him. Khusrau happened to halt at the place where he lived. He came out and met him. He discussed several matters with him and made on his forehead a finger-mark in saffron, which in terms of Hindus is called Qashea and is considered propitious.”⁵⁶

Guru Arjan was roasted alive by royal order for this act but the real reason was that Jahangir looked at Sikh movement as a threat to his empire. The ever increasing followers of the Sikh faith from among the Hindus and Muslims, and Guru Arjan's popularity among the people at large had alarmed Jahangir as himself writes in his memoirs :

“A Hindu named Arjan, lived at Goindwal on the bank of river Beas in the garb of a Saint and Spiritual guide. As a result many of the simple-minded Hindus as well as ignorant and foolish Muslims had been persuaded to adopt his ways and manners and he had raised aloft the standard of Sainthood and holiness. He was called Guru. From all sides cowboys and idiots became his fast followers. This business had flourished for three or four generations. For a long time it had been in my mind to put a stop to this vain affair or to bring him into the fold of Islam.”⁵⁷

But the real reason for the execution of Guru Arjan was political.⁵⁸ This act of Jahangir set in reverse gear the growing friendship and cooperation between the Sikh Gurus and the Delhi rulers.

After the martyrdom of Guru Arjan, his son Hargobind (1596-1644 A.D.) took the seat of his father with two swords girded round his waist : one to symbolise spiritual power and the other temporal. “My rosary shall be the sword-belt and on my turban I shall wear the emblem of royalty,” he declared. His abode became like that of a king. He sat on a throne and

held court. He went out with a royal umbrella over his head and was always accompanied by armed retainers. He sent envoys to ruling princes and received their agents in Darbar. As far the Sikhs were concerned, he was *miri piri da malik* i.e. the Lord of the spiritual and secular domains. As the number of Guru's retainers increased Jahangir felt alarmed and ordered the arrest of Hargobind and the disbandment of his private army.⁵⁹ He was kept confined at Gwalior fort till 1611.⁶⁰ As soon as he was released from imprisonment, he resumed his martial activity. According to Mohsin Fani, a contemporary author, and a personal friend of Guru Hargobind, the Guru had eight hundred horses in his stables, three hundred troopers on horse back and sixty men with firearms in his service. He build famous '*Akal Takht*' near Golden Temple which till today symbolise Sikh sovereignty. The Foundation of Akal Takht was laid by Guru Hargobind himself in 1606 A.D. in the front of Golden Temple. The five storey building was completed later on. The writer of *Gur-Bilas Patshahi Chhevi* writes :

"The foundation of the Akal Takht was laid by Guru Hargobind Sahib himself and the rest of the building was completed by Bhai Gurdas (a great Sikh scholar and scribe of first volume of Adi Granth) and Baba Budha (an exalted soul and a reverend Sikh)."

No mason was employed for the construction of Akal Takht as it was constructed by voluntary service.⁶¹ The first storey of the building was built by Guru Hargobind and upper four storeys were completed by Maharaja Ranjit Singh, the Sikh ruler and the dome was got built by his famous military General Hari Singh Nalwa.

Dr. Gopal Singh commenting on this aspect of construction points out : "It is important to consider the significance of this aspect, the foundation stone of Golden Temple, the holiest of the Sikh shrines, was got laid from Mian Mir, the Muslim Sufi Saint, but in the construction of Akal Takht all others were excluded."⁶²

The word '*Takht*' means the royal throne, a sovereign chair of the State, a seat from where the State-law is promul-

gated and enforced. Thus construction of Takht was an open declaration by the Sikh community of its character as political sovereigns.

Guru Hargobind was formally installed as sixth apostle of the Sikhs at a ceremony held at *Akal Takht* (then called Akal Bunga) and after this ceremony he issued a *hukumnama* from here which reads :

“Guru Arjan has left for heavenly abode and the sixth Guru has ascended the throne. Those who would visit him at this throne should bring only good horses and good arms as offerings.”⁶³

According to Giani Gian Singh's *Panth Parkash*, Guru Hargobind addressing the congregation declared that he had decided to form an army to fight the tyranny of the rulers of the day. He asked his followers to be fully armed because religion could not be saved without resorting to arms and that was must for the survival of their religion.⁶⁴

In response to Guru Hargobind's call, writes Macauliffe, “Several warriors and wrestlers hearing of the Guru's fame came to him for service. He enrolled as his bodyguards fifty heroes who turned for the fray. Thus was found the nucleus of his future army. Five hundred youths then came to him for enlistment from Majha, Malwa and Doaba. These men told the Guru that they had no offerings to make him but their lives : for pay they only require instructions of his religion; and they professed themselves ready to die in his service. The Guru gave them each a horse and weapons of war, and gladly enlisted them in his army. He made Bidhi Chand, Pirana, Jetha, Piara and Langaha, each a captain of a troop of one hundred horses.⁶⁵ He also got constructed a wall around the city of Amritsar and a fort named Lohgarh was built in the town as a measure of security in case of attack on the Sikhs.

Thus began the work of liberating the masses who had been so long oppressed by a cruel, corrupt and bloody tyranny. Guru Hargobind also introduced for the first time the practice of beating a drum (Nagara) at the time of Langar. He also for the first time hoisted the Sikh flag at Akal Takht in 1608

A.D. Thus Akal Takht became the general headquarter of the Sikhs. It also became the highest seat of temporal power of the Sikhs. Here Gurm Hargobind sat like a king and administered justice to the Sikhs. He wore a turban with a royal aigette and he was addressed as Sacha Padshah *i.e.* the true emperor as compared to king of Delhi.⁶⁶

The construction of Akal Takht symbolised assertion of Sikh sovereignty because it was a 12 feet high platform resembling the platform for the Emperors, while construction of even an ordinary pedestal of a height of more than 2 feet was prohibited by the then government. The beating of drum at Akal Takht also amounted to declaration of Sikh sovereignty.⁶⁷

The establishment of Takht was essentially to provide a political centre to the Sikh community and to emphasise its sovereignty as a nation, the essence of which is that a man of religion must always owe his primary allegiance to truth and morality and he must never submit to the exclusive claim of secular state to govern the bodies and mind of man.⁶⁸

There developed a convention amongst the Sikhs to assemble, after six months, on the occasion of Baisakhi and Diwali, in Amritsar at Akal Takht. In the presence of holy (Guru) Granth Sahib some policy and current matters relating to Sikh Panth were discussed and passed unanimously. The foreign policy, plan of general military operation against the common enemy of the community, the measures for the spread of Sikh faith, and to settle the feuds of Sikh chiefs, all these policy matters were discussed and decided at Akal Takht. The resolution passed at the assembly was called *gurmatta* and was obeyed by the entire community.

The functions performed by Harimandir Sahib (Golden Temple) and Akal Takht are different and as such Akal Takht is not just a Sikh shrine but enjoys a unique and spiritual matters understood in the general sense are looked after and catered to by Sri Harimandir Sahib all matters including those pertaining to the organisation of Sikh religion, come under the control and authority of Sri Akal Takht. In other words purely spiritual and religious matters are dealt with by Sri Harimandir Sahib and temporal and organisational matters are looked after by Sri Akal Takht. While Harimandir stands for spiritual

guidance the Takht stands for dispensing justice and temporal activity.⁶⁹

In 1802, Akali Phoola Singh, Jathedar of Akal Takht, pronounced punishment to Maharaja Ranjit Singh, the then Sikh ruler of Punjab, for the latter's laxity in morality by living with a dancing girl, Moran by name, out of wedlock.

However, after annexation of Punjab, British captured control of Akal Takht also through their stooges. On 18 March 1887, a Hukamnāma was got issued from the Akal Takht to excommunicate Bhai Gurmukh Singh, an Assistant Professor at the Oriental College, Lahore, who was stroving for revival of Sikh identity and to mobilise support for Maharaja Dalip Singh who had left Paris for Russia to solicit Russian help for ousting British from Punjab.

Again in 1921, Bedi Kartar Singh was punished by the Akal Takht.

On 29/11/61, Veteran Sikh leader Master Tara Singh, along-with Sant Fateh Singh and 8 members of Akali Dal Working Committee were tried for breaking the solemn vow taken before the Akal Takht. Both Master Tara Singh and Sant Fateh Singh separately had taken vow before Akal Takht for fasting unto death for achieving Punjabi Speaking State but had broken the fast without achieving the objective on sheer assurances.

Five priests headed by Jathedar Achhar Singh of Akal Takht punished Master Tara Singh to recite more prayers besides his daily routine prayers and to perform one Akhand Path. He was also to clean utensils and shoes of the congregation in any Gurdwara for 5 days and offer Karah Parshad of Rs. 125 at the end of his punishment. Other leaders were also similarly punished in proportion to their guilt which all of them accepted.

Zakariya Khan was the Viceroy of the Mughal government for Punjab from 1726 to 1745. One of his court jesters once humourously remarked : "As the rain water is responsible for the production of frogs and insects; so does the nectar of Amritsar tank produce Sikhs in abundance."

Zakariya Khan took a hint from it and resolved to stop Sikh gatherings at Amritsar on the occasion of Baisakhi and Diwali and also not to permit any Sikh to bathe in the tank.

He assigned this task to Massa Ranghar, a bigot and a brute. He erected four observations towards at corners of Amritsar to keep a strict watch on the movement of the Sikhs. He got the tank of the holy Golden Temple filled up, took his seat inside Harimandir where he smoke, hubble bubble and spat. Dancing girls gave performance in the sacred shrines to please Massa Ranghar.

On hearing about it, two devout Sikhs, Mahtab Singh of Mirankot and Sukha Singh of Mari Kambo vowed to kill Massa. They disguised themselves as Mughal officers, took bags full of round pieces of earthen pots to give an impression that they were bringing revenue, and rode straight to the temple. Nobody suspected them. It was mid-day in June and people were taking rest. Mahtab Singh entered the temple, cut off Massa's head and both disappeared in the twinkling of an eye. Mahtab Singh was later on captured and executed at Lahore, while Sukha Singh went underground.

The British were aware of the Sikh's emotional and sentimental attachment to Golden Temple and other shrines. Therefore, they issued special instructions to the British subjects to be careful in maintaining the sanctity of the shrines. An official notification dated 24 March 1847 issued by H.M. Lawrence, the British resident reads as follows :

“The Priests of Amritsar having complained of annoyances, this is make known to all concerned that by order of the Governor General, British subjects are forbidden to enter the temple (called the durbar) or its precincts at Amritsar or indeed any temple, with their shoes. Not are the Sikhs to be molested or any way to be interfered with. Shoes are to be taken off at the bunga at the corner of the tank and no person is to walk round the tank with his shoes on.”

Guru Hargobind having established a seat of sovereignty and an army of dedicated soldiers ready to sacrifice themselves for the mission of the Sikh Gurus, now a stage had arrived for a show-down between the Sikhs and the Mughal State. An open confrontation now took place between Guru Hargobind and Shah Jahan, the then ruler of Delhi, ostensibly on an insigni-

ficant issue. When Shah Jahan was going from Lahore towards Amritsar, a hawk belonging to the emperor was seized by one of the Guru's followers.⁷⁰ At this Mukhlis Khan, the Mughal General, marched on Sikhs at the head of seven thousand troops but he was routed by the Sikhs headed by Guru Hargobind.⁷¹ The relations between Guru Hargobind and emperor Shah Jahan, strained further when Baba Bidhi Chand took away two of Shah Jahan's best horses from the imperial stables at Lahore and brought them to the Guru. This inflamed the anger of the emperor who despatched his army which met resistance from Sikhs at Lahira, a small village situated in Bhatinda District of Punjab. The imperial army was defeated and it fled to Lahore, leaving their commanders slain in the battle.⁷²

Guru Hargobind decided to give respite to the community to prepare and augment its limited resources. Accordingly, Guru Hargobind spent his years from 1635 to 1644 at Kiratpur, a city in the foot-hills of Himalayas. He died in 1645 installing his grandson Har Rai as a Guru.

In 1657, Guru Har Rai at the head of a retinue of 2200 armed men left Kiratpur to undertake a tour of the neighbouring areas. He brought some noted landlord families of Punjab into his fold. At the end of 1658 he returned to Kiratpur. He developed personal friendship with prince Dara Shikoh, for whom he had sent a medicine with which he was cured of the effect of poison. Emperor Shah Jahan, had also felt grateful to the Guru for this gesture.⁷³ Prince Dara Shikoh visited Guru Har Rai and made offerings with reverence and stayed with Guru Har Rai for five days.⁷⁴

On the death of emperor Shah Jahan, when the war of succession started between the sons of Shah Jahan, Guru Har Rai's sympathies naturally lay with Dara Shikoh who being of Sufi persuasion was of liberal views as compared to his rival Aurangzeb who was a bigoted Muslim. Guru Har Rai exhorted Dara Shikoh to collect troops for battle and prevent the establishment of Aurangzeb's authority.⁷⁵ When Aurangzeb's army was chasing Dara Shikoh, Guru Har Rai met him on the bank of Sutlaj. He deputed his followers to guard the passage to the Beas to enable Dara to escape and save himself from the chasing Mughal army.⁷⁶ But ultimately,

Dara was defeated and killed. Aurangzeb captured the throne of Delhi.

Complaints were made to Aurangzeb against the Guru for helping Dara Shikoh against the emperor. But Aurangzeb wrote a diplomatic letter to Guru Har Rai, worded in a friendly tone which according to Macauliffe read as follows :

“Guru Nanak’s house was the house of holy men. He treated friend and foe alike, but how have you supported Dara Shikoh in his effort to obtain sovereignty ? I have captured and put him to death, so he has in no way benefited by your assistance. However, let bygones be bygones, and let us be friends. Come to me. I am now enthroned as Emperor. I have a great desire to see you, therefore, you should come to me without delay.”⁷⁷

Aurangzeb’s invitation to Guru Har Rai was politely worded but it was interpreted as a summons to answer for his conduct.⁷⁸ Guru Har Rai did not, therefore, think it wise to appear before the Emperor but all the same he did not like to go to war by sending a blunt refusal. He thought it politic to send his son Ram Rai to the court. Ram Rai was enamoured by the friendly attitude of emperor and decided to stay at Delhi. This displeased Guru Har Rai who disinherited him and appointed his younger son Har Kishan, as his successor. Guru Har Rai died in 1661 A.D.

Ram Rai put up his claim to Guruship before the Emperor and he summoned Guru Har Kishan to Delhi with the intention of making the two brothers decide the issue by peaceful means.⁷⁹ Guru Har Kishan reached Delhi but before he could meet the Emperor, he died of small pox at Delhi on 9th April, 1665. He was succeeded by Guru Tegh Bahadur (1621-75).

Guru Tegh Bahadur travelled eastward towards Uttar Pradesh. Wherever he went, the Sikhs acclaimed him as their guru. When he reached in the vicinity of Delhi, Ram Rai who was still in attendance at the Mughal court, got him arrested as a disturber of peace. According to Cunningham, the Emperor had summoned Guru Tegh Bahadur to Delhi, on receipt of the complaint that he aspired to sovereignty but Raja of Jaipur who was to lead Mughal army in its march on

East India and was an admirer of the Guru, took Guru Tegh Bahadur with him.⁸⁰ Guru ji helped Raja to gain victory over the ruler of Assam.⁸¹ He raised his own army at Dhubri (Damdama of Assam) which later acted under the direct command of Takht Patna Saheb and even participated in Anglo-Assamese Wars on the side of Assamese. This was called Damdamyia army of Patna Takht.⁸²

However, in 1675 A.D. Guru Tegh Bahadur was executed in Delhi by the orders of Emperor Aurangzeb. Historians differ about the reason for his execution. According to Sikh sources, Sher Afghan, Aurangzeb's Viceroy in Kashmir, was forcibly converting Kashmiri Brahmins to Islam and, therefore, Pandits approached Guru Tegh Bahadur for help who told them to tell the Emperor that they will all accept conversion to Islam if Guru Tegh Bahadur is first converted. Emperor accepted this condition and on refusal of Guru Tegh Bahadur to be converted he was publically executed in Chandni Chowk Delhi where the Sikh shrine Gurdwara Sis Ganj stands to-day. This version that Guru Tegh Bahadur laid down his life to uphold the right of freedom of conscience is supported by Guru Gobind Singh in his autobiography 'Bachitra Natak' wherein he writes :

“To protect their right to wear their caste-marks and sacred thread.

Did he, in the dark age, perform the supreme sacrifice.

To help the saintly he went to the utmost limit

He gave his head but not his faith.”

According to Muslim historian Ghulam Hussain's Siyar-ul-Muta-Kherin, Guru Tegh Bahadur was executed because with large following he had become very powerful and had started levying forcible exactions. Similarly, some English historians (Cunningham, Malcolm, Gordon) concocted another version of this event to support the British rule in India. According to this version, the Guru was accused of looking towards the Emperor's harem. When questioned, he answered that it was not the women of the harem he had looked at but he was looking forwards east whence a power was advancing which would destroy the Mughals. The power is understood to have

been the British. Both these versions are rejected by the Sikh Historians.⁸³

Guru Tegh Bahadur was succeeded by Guru Gobind Singh (1666-1708) who was only of nine years when his father embraced martyrdom.

In April 1699, on the auspicious occasion of Baisakhi, Guru Gobind Singh formed a new order 'Khalsa' i.e. the Sikh commonwealth. He sent messages to his followers inviting them to come to Anandpur and specially asked them to come with their hair and beards unshorn.⁸⁴ When huge congregation gathered at Anandpur Guru Gobind Singh drew his sword out of its scabbard, and demanded five men of sacrifice. Five men, Daya Ram (a Khatri from Lahore), Dharam Das (a Jat from Rohtak), Mohkam Chand (a washerman of Dwarka in Gujrat), Himmat (a water carrier of Jagannath Puri in eastern India) and Sahib Chand (a barber from Bidar in South India) offered their heads one by one. Thereafter, Guru Gobind Singh baptised them and announced that these panj piyare (five beloved ones) were to be nucleus of a new community he was raising which was to be called Khalsa or the pure. He further invested the five Sikhs, on any occasion, with decision making power by declaring :

"Where there are five (elected) there am I.

When the five meet, they are the holiest of the holy."

Five emblems were prescribed for the Khalsa. They were to wear their hair and beard unshorn (*kes*) ; they were to carry a comb (*kangha*) in the hair to keep it tidy ; they were always to wear a knee-length pair of breeches (*kachha*) worn by soldiers of the times ; they were to carry a steel bracelet (*kara*) on their right wrist ; and they were to be ever armed with a sabre (*kirpan*).

Guru Gobind Singh is said to have explained the discipline of his new order in the following words, as per Persian historian, Ghulam Mohiuddin quoted by Macauliffe :

"I wish you all to embrace one creed and follow one path, obliterating all differences of religion. Let the four Hindu casts, who have different rules laid down for them in the

Sastras abandon them altogether and adopting the way of cooperation, mix freely with one another. Let no one deem himself superior to another. Do not follow the old scriptures. Let none pay heed to the Ganges and other places of pilgrimage which are considered holy in the Hindu religion, or adore the Hindu deities, such as Rama, Krishna, Brahma and Durga, but all should believe in Guru Nanak and his successors. Let the men of the four casts baptism, eat out of the same vessel, and feel no disgust or contempt for one another.¹¹⁸⁵

Thus with dharma-nash, the previous dharma (religion) being no longer binding on them, and with karamnash, kulnash and kirt-nash, having been freed from bonds of casts, classes and clans and from restrictions on professions they were spiritually liberated and socially elevated. With a uniform external appearance with bearded faces and their entire hair unshorn, with combs, iron bracelets, swords and short breeches—all the five symbols beginning with the letter K : *Kesh*, *Kangha*, *Kada*, *Kirpan* and *Kachha*—and with the common surname of Singh and a new salutation, the Sikhs were not only knit together into a much closer community with a separate identity, but with a common spiritual father and mother in Guru Gobind Singh and his wife Sabib Devan, they also literally became the members of one family. The Khalsa, so founded was an astonishingly original and novel creation with its face turned not to the past but the future. Direction and form given to it made Sikhs a compact nation.

With the creation of this new order “Khalsa” by the 10th Guru, the spiritual power passed into the Granth Sahib and the temporal into Khalsa Panth. The Sikhs sing at the end of the prayer the following two couplets :

“Command came from the timeless God,
And then was established the (Khalas) Panth
All the Sikhs are commanded to recognize the Granth as
Guru.

Recognize the Granth as the Guru—it is the visible body of
the Masters

Those who wish to meet the Lord,
May seek Him therein (in the Granth).

Guru Gobind Singh, after having initiated the five Sikhs, asked them to baptise him into the new fraternity. The Guru was no longer their superior ; he had merged his entity in the Khalsa. Guru Gobind Singh declared :

“Khalsa Mero rup hai Khas
Khalsa mein haon karon niwas.”

i.e. the Khalsa is exactly like me and I reside in the Khalsa.

Thus Guru Gobind Singh provided a unique example at the initiation ceremony in which he, the Supreme head of a religious organisation, voluntarily surrendered his authority to his disciples and adopted the unusual procedure of being baptised by the same disciples who a short while ago had been baptised by him. As the tradition goes, the collective will of the community is rated higher than that of the Guru. Guru Gobind Singh himself acknowledged the exalted position of the community by saying :

“It is due to them that I am holding an exalted place.
I was born to serve them.
Through them I reached eminence.
What would I have been without their kind and ready help.
There are millions of insignificant people like me”.⁸⁶

Out of this declaration of the Guru, later on the convention developed of calling a resolution carried out by the majority of the congregation the *gurmata* and treating it as the order of the Guru.

The collective personality of the members of the new order was given a temporal and spiritual status, hitherto unknown in the annals of theology. The Sikh assembly became the supreme decision-making body. Even the Guru bound himself by its commandments. No leader, however great, could challenge the authority of the Khalsa and introduce any innovation in the rules of the conduct of the Khalsa Panth. No one could dare go against the wishes of the Khalsa which was supreme in the Sikh polity, and the guidance of the community lay with their collective wisdom and decisions.

According to Gokal Chand Narang : "Guru Gobind Singh was the first Indian leader who taught democratical principles and made his followers regard each other as Bhai or brother and act by Gurmata or general councils."⁸⁷ In spite of the fact that the ideal of service and the inclusion of a spirit of brotherhood were equally significant features of almost all the schools of religious revival in contemporary India, "it was in Sikhism alone that a sense of corporate unity gradually evolved."⁸⁸

Thus the Sikhs became an association of Godfearing republicans and ultimately a new nationality, "the disciples of the great teacher becoming a republican fraternity which gradually consolidated into a separate nation by the necessity for struggling for the liberty they claimed."⁸⁹

Twenty thousand Sikhs were baptised at Anandpur congregation of 1699 and this was followed by mass baptisms all over Northern India. Psyche of those who were baptised underwent a revolutionary change because Guru Gobind Singh had taught them to "take the broom of divine knowledge and sweep away the filth of timidity and that one man can fight a legion."

They started aspiring for political power and territorial victories. They greeted each other with the words :

"Wahe Guru Ji Ka Khalsa
Wahe Guru Ji Ki Fateh"

i.e. The Khalsa is creation of God and will be, therefore, always victorious.

Slogans like "Panth Ki Jeet" and "Khalsa Ji Ke Bol Bale" raised the moral of the Sikh people to great heights. "Even the people who had been considered as drags of humanity were changed, as if by magic, into something rich and strange. The sweepers, barbers and confectioners who had never so much as touched the sword and whose whole generations had lived as grovelling slaves of the so-called high classes, became under the stimulating leadership of Guru Gobind Singh, doughty warriors who never shrank from fear and who were ready to rush into the jaws of death at the bidding of the Guru."⁹⁰ Thus were born a new people who had completely broken off with their past ancestry. He (Guru Gobind

Singh) instructed Khalsa to preserve this separate and distinct entity and promised them all glory. He declared that :

“In gariban haon deon padshahi
Yeh yad karen meri guriayce”

i.e. I will bestow rulership on these Sikhs
So that they remember my term of apostleship.

He further asserted that political power is necessary for preservation of religion. “*Raj Bina Na Dharam Chale Hai.*” For gaining political sovereignty one has to struggle because no one meekly shares his sovereignty with others. (*Koi Kisi Ko Raj Na De Hai. Jo Le Hai Nij Bal se Le Hai*).

Thus it is a necessary implication of the order of the Khalsa that it should function as a State. Mr. G.S. Ahluwalia rightly sums up “Sikhism is essentially a State symbolizing a unique correlation of the spiritual and temporal sovereignty.”⁹¹

Guru Gobind Singh died at Nanded in South India in 1707 A.D., but before his death he had appointed Banda Bahadur as a political leader of the Sikhs to conquer Punjab.

Ever since the passing away of Guru Gobind Singh (1707), the litany being *Srimukh Vak* i.e. the very blessed words of the Guru Gobind Singh himself have been recited by the Sikhs everyday and everytime with the prayer. The litany reads :

“*Raj Karega Khalsa aki rahe na koe.
Khwar Hoe sabh milenge bache saran jo hoe.*”

i.e. The Khalsa shall rule, no hostile refractory shall exist. Frustrated, they shall all submit, and those who come in for shelter shall be protected.

S. Kapur Singh I.C.S. has translated this verse as follows :

“The Sikh people shall remain free and sovereign, always none challenging this position. All, every one must eventually accept this position, no matter how unpalatable and bitter it is to them. And behold, peace and safety is in such a concession or submission.”

This litany finds recorded in *Rahitnama Bhai Nand Lal*, almost contemporaneous with Guru Gobind Singh. It is also

confirmed in the *Suraj Prakash* of Bhai Santokh Singh (1840 A.D.) and *Prachin Panth Prakash* (1830 A.D.) of Rattan Singh Bhangu.

Since it forms part of Tankhwah Namah of Bhai Nand Lal, who after the death of Emperor Bahadur Shah in 1712, had returned to his home town of Multan and died there, therefore, Dr. Ganda Singh concludes⁹² that it was first sung by the Khalsa during the days of Banda Singh Bahadur (1710-16) who was the first Sikh political leader to declare the independence of his people in the Punjab.

Why the need for daily recitation of this couplet after the prayers arose was that Bahadur Shah, who had succeeded Aurangzeb to the Delhi Throne with the help of the Sikhs, later on became such an enemy of the Sikhs that he declared them rebels and issued edicts to his faujdars on December 10, 1710 "to kill the disciples of Nanak (the Sikhs) wherever they were found."⁹³ This order was repeated by Emperor Farrukh Siyar (1713-19) in almost the same words. The Sikhs were thus faced with complete extinction in their own homeland but they were not to be demoralised. They wanted to assert that this homeland was theirs and they were destined to rule over this land. It was then when they were being persecuted and massacred that to keep up their spirits high, with their minds strengthened by faith and emboldened by constant prayer, the Sikhs sang this couplets : Raj Karega Khalsa aqi rahe na koe. The term Khalsa according to H.H. Wilson's '*Glossary of Judicial and Revenue Terms*' (1855) means "Collective denomination of the Sikh government and people." Therefore, Dr. Ganda Singh, the great Sikh historian asserts, "it is not always correct, particularly in the context of this couplet, to translate the word 'Khalsa' as pure. The word for pure is Khalis. Derived, of course from Khalis, Khalsa is, in fact, a technical term which in the days of Mughal administration meant inalienable lands or revenues directly looked after or administered by the government or the king. Guru Gobind Singh applied this word specifically to those of the Sikhs whom he had baptized as Singhs, the lions. To them he gave the name of Khalsa, 'his own'.

Inspired by Guru's promise regarding inevitability of establishment of Sikh rule thousands of Sikhs embraced

martyrdom to establish it. To give a practical shape to his promise Guru Gobind Singh in 1708 sent Banda Bahadur to Punjab alongwith his devoted Sikhs Binod Singh, Kahan Singh and Baz Singh etc. Guru Gobind Singh armed Banda with five arrows from his quiver and gave his own standard and battle drum. He issued orders (*hukamnamas*) to the Sikhs urging them to volunteer for service.

Sikhs under Banda Bahadur asserted their right to nationhood and sovereignty. Guru Gobind Singh planned a mass movement in which the proletariat should play the leading role. He promised to transfer sovereignty to the poor so that they may always remember him as their champion.

“In gariban haon deon padshahi
Yeh yad Karen meri guriayee.”⁹⁴

Banda achieved initial success in his military expeditions. He assumed royal authority and established his capital at Mukhlispur. He asserted the sovereignty of the Sikh people by striking coins in the name of Guru Nanak and Guru Gobind Singh the inscription on which reads :

“Sikka Zad Barhar do alam
Tegh-i-Nanak Wahib Ast
Fateh Gobind Singh Shah Shahan
Sacha Sahib Ast”

i.e. This coin is struck by the Grace of the True Master Nanak and also the Victory that (Guru) Gobind Singh, the king of kings, brings.

The Sikhs under Banda Bahadur, conquered Amritsar, Kalanaur, Batala and Pathankot and then overran the tract between the Sutlej and the Ravi. The Sikhs also swarmed over the countryside round Lahore. From the Jamuna to the Ravi and beyond the only person who mattered was Banda Bahadur and the only power that commanded respect was that of his peasant armies. The Punjab became like a surging sea of free peasantry with only two small islands of Mughal authority in its midst—the capital city of Lahore and the

Afghan town of Kasur.⁹⁵ In those fateful days, had Banda shown more enterprise he could have captured Delhi and Lahore and so changed the entire course of Indian history but the otherwise daring Banda showed a lack of decision which proved fatal to his dreams.⁹⁶ Ultimately he was defeated by a huge Mughal army which had sieged his hideout in mountains a few miles above the present town of Gurdaspur which he was protecting by flooding the surroundings with canal water. He laid down arms on 17 December, 1715 and he alongwith his Sikh Commanders was executed at Delhi in June 1716.

After the collapse of the political power of the Sikhs under general Banda Singh Bahadur, in 1716, there was a complete blackout till 1721, when the Sikhs shifted their centre of activities to Golden Temple, the lake surrounding, and the complex of building including Akal Takht attached to it, which they considered to be their spiritual as well as political capital.

Ever since 1721, whether the Sikhs were a sovereign people or politically subjugated, they have never abandoned or compromised the position that the Golden Temple and its adjuncts are the hub of the Sikh World, not as a matter of concession by any worldly power but as the inherit right of the Sikh people, *sui generis* and inalienable. All important decisions are taken at the place and are considered to be binding.

Some years after Banda Singh Bahadur had been tortured to death in A.D. 1716 at Delhi, a Sarbat Khalsa was called by Bhai Mani Singh at Amritsar on the occasion of Baisakhi to sort out differences between Bandaies *i.e.* the followers of Banda Bahadur and the Tat Khalsa *i.e.* the Sikh fundamentalists, over the control of Harimandir *i.e.* the Golden Temple. The differences were resolved firstly by throwing two chits, each representing one group, in the sacred pool at Har Ki Pauri. The chit representing Tat Khalsa floated first and, therefore, the Tat Khalsa were declared victorious. But when some Bandaies refused to abide by this verdict, to satisfy them, a dual was arranged between Niri Singh representing the Tat Khalsa and Sangat Singh representing the Bandaies. Sangat Singh was floored.

Another Sarbat Khalsa held thereafter was also at Amritsar

on Baisakhi wherein an offer from Zakarya Khan, the governor of the Punjab (1726-45), for Nawabship of the Parganas of Dipalpur, Kangarwal and Jhabbal to be conferred on the leader of the Khalsa was discussed and after seeking guidance from the holy Granth Sahib through a *Vak* i.e. reading a verse at random was accepted with great hesitation and Nawabship was conferred on Kapur Singh of Faizalpur, who was then waiving fan to the Sangat who too was compelled through persuasion by the Sarbat Khalsa to accept it.

In the Chhota Ghallughara i.e. small holocaust of 1747, the Sikhs suffered heavy losses. To take stock of the situation a Sarbat Khalsa was held on Baisakhi of 1748 at Akal Takht Amritsar where it was decided that Sikhs of all shades must unite and close their ranks and face the common enemy Ahmad Shah Abdali unitedly. This Sarbat Khalsa passed a *gurmatta* asserting the determination of the Sikh people to rule over Punjab. The resolution read : "Punjab belongs to the sons of soil and they must have it. It is their birth-right and they will have it." This pledge was fulfilled in 1760 when Jassa Singh Ahluwalia entered Lahore at the head of a victorious Sikh army and became *Sultan-ul-Qawn*.

Ahmad Shah Abdali retaliated and in 1762 he made a surprise attack on the Dal Khalsa at Kup and slaughtered 25000 Sikhs. On his way back he blew up the Harimandir i.e. the Golden Temple, by gun powder in the fond hope that he had totally smashed the Sikh power. Abdali was yet at Kalanaur when the Sikhs held Sarbat Khalsa at Akal Takht Amritsar on occasion of Diwali and unitedly resolved to avenge these acts of Abdali. On learning about it Abdali fled back.

In 1767, under the leadership of Jassa Singh Ahluwalia, the Sikhs met in large numbers at Amritsar to give decisive battle to Ahmad Shah Abdali. Ahmad Shah Abdali offered viceroyalty to Sikh leader as a price for peace but the Sikhs rejected the offer. Ahmad Shah Abdali died in 1773 and the Sikh Misls claimed Punjab as their legitimate patrimony.

An eighteenth century-Persian manuscript *Haqiqat-i-bina-o-uruj-i-firqa-i-sikhin*, copy of which is available at Punjab Historical Studies Department, Punjabi University, Patiala, the

institution of Khalsajeo (Sarbat Khalsa) was all supreme. All meetings were open to all and sundry. No distinction was made in such gatherings between the high and the low. All had the right to participate in its deliberations. No separate seating arrangements were made for the high or the low. They all took their seats on the carpets spread on the floor. Every meeting commenced with Ardas *i.e.* a prayer to the Almighty. The same man who lead prayer announced to the audience the purpose of the meeting. No restrictions were placed on the freedom of expression, sometimes this freedom did not maintain the decorum, but the right to the freedom of expression was never curbed. Later when decisions could not be taken in an open gathering need was felt for the emergence of an inner circle to provide guidelines to the participants. Decisions were then taken by a selected few at a private meeting but such decisions were not valid unless they had the sanction of Khalsajeo and hence they were subject to ratification by Khalsajeo. They could be implemented only after they were ratified by the Khalsajeo.

At a meeting of the Sarbat Khalsa it had been resolved to merge the independent jathas into one army, the Dal Khalsa. Jassa Singh Ahluwalia, who had taken over the leadership from the ageing Kapur Singh, was made the supreme commander. The Dal was divided into eleven misls. These were called :

- | | |
|----------------|-------------------------------|
| 1. Ahluwalia | 2. Fyzullapuria or Singhpuria |
| 3. Sukerchakia | 4. Nishanwalia |
| 5. Bhangi | 6. Kanhaya |
| 7. Nakkai | 8. Dallewalia |
| 9. Shaheed | 10. Karor Singhia |
| 11. Ramgarhia. | |

Phoolkia, under Ala Singh of Patiala was the twelfth misl, but it was not a part of Dal Khalsa.

According to Osborne,⁹⁷ the twelve misls could bring into field 70,000 horses. Forster, in his '*Travels*' (1783) writes that Sikh forces were estimated at 3 lakhs, but might be taken at 2 lakhs. Col. Franklin wrote in 1803 that Sikhs could muster 2,48,000 cavalry.

In Cunningham's view the Misl organisation was "a theocratic confederate feudalism." It was theocratic as "God was their helper and only judge, community of faith or object was their moving principle, and warlike array, the devotion to the steel of Gobind, was their material instrument."⁹⁸ It was confederate because "Year by year the Sarbat Khalsa or the whole Sikh people met once at Amritsar. It was feudalism because" the federate chiefs partitioned their joint conquests equally amongst themselves and divided their respective shares in the same manner among their own leaders of bands while these again sub-divided their portions among their own dependents agreeably to the general custom of sub-infeudation.⁹⁹ However, writes Cunningham, "In theory such men (the Sikhs) were neither the subjects nor the retainers of any feudal chiefs and they could transfer their services to whom they pleased or they could themselves become leaders and acquire new lands for their own use in the name of the Khalsa or commonwealth."¹⁰⁰

Forster writes that the Sikhs disdained an earthly superior and acknowledged no other master than their prophet.¹⁰¹ According to Malcolm, chief preserves his power and authority by professing himself the servant of the Khalsa. National Council is supposed to deliberate and resolve under the immediate inspiration and impulse of an invisible being who, they believe, always watches over the interests of the commonwealth.¹⁰²

Some writers have called this misl system of the Sikhs as "aristocratic republic" while others have termed it military republic. Ibbetson opines that Misal organisation was "a curious mixture of theocracy, democracy and absolutism."

In a short time four out of the five Doabs of the Punjab came under the protection of the Dal Khalsa. To make the system function successfully one or more units of the Dal could combine to take charge of a big slice of territory that came under their protection. To meet a situation in emergency a reserve force was stationed at Amritsar in addition to the moving units of the Dals.

After exit of Ahmad Shah Durrani from Punjab in the end of March, 1765, Lehna Singh and Gujar Singh occupied the Fort of Lahore on 17 April, 1765 and issued a proclamation

dividing the town into three divisions for the purposes of administration. As a token of assuming power the Sardars struck coins in the name of Guru bearing the inscription :

“Deg Tegh O nusrat bedirang
Yaft az Nanak Guru Gobind Singh.”

This war of independence fought by the Sikhs brought out the internal strength of the community. Sikh democracy was put to a severe test and it was not found wanting. The community not only survived half a century of persecution and war it created a state.¹⁰³

Ahmad Shah Abdali ruler of Afghanistan who invaded Punjab nine times between 1749 to 1769, failed against the Sikhs and like a shrewd statesman he realised his limitations to deal with them effectively. He, therefore, helplessly left most of Punjab, including Lahore, the provincial capital, in the hands of the Sikhs. In the words of Sikh historian Khushwant Singh “Abdali was the bitterest antagonist of the Sikhs and paradoxically their greatest benefactor. His repeated incursions destroyed Mughal administration in the Punjab and at Panipat he dealt a crippling blow to Maratha pretensions in the north. Thus he created a power vacuum in the Punjab which was filled by the Sikhs.”¹⁰⁴

With the Afghans quiescent on one side and the Marathas busy consolidating their hold on Delhi on the other, the territory between the Indus and the Jumna was left to the Sikhs who set about dividing it among themselves. They extended their sovereignty upto Delhi but due to lack of cohesion could not maintain it for long.

Sardar Baghel Singh, the commander of ‘Kiror Singhia Misl’ held sway over Delhi for several months in 1783 during the time of Shah Alam II. In March 1783, a large Sikh army, commanded by Jassa Singh Ramgarhia, Baghel Singh Kiror Singhia and Rai Singh Bhangi plundered Bulandshahar and Aligarh and advanced to the Imperial Capital.¹⁰⁵ They encamped near Burari Ghat on the river Yamuna from where they attacked Malka Ganj and Sabzi Mandi. They also attacked the Red Fort and one of them, Jassa Singh carried away a stone structure from the Mughal Citadel now preserved

in Amritsar. The Delhi Court opened negotiations with the Sikhs who received rupees 3 lakhs in cash as *nazrana* and right to build their historical shrines. In March 1783, Baghel Singh established his camp in a suburb of Delhi and started to build shrines to commemorate the memory of the gurus who had visited the city. One was erected at the site of execution of the ninth guru, Tegh Bahadur, in the centre of the city's busiest thorough-fare; one to mark the site of the cremation of the guru's body; a third at Guru Hari Krishan's place of residence; and a fourth at the place where the infant guru and the wives of Guru Gobind Singh were cremated. Sardar Baghel Singh thereafter left Delhi after appointing Lakhpai Rai as his ambassador to the Mughal Court. But Sardar Baghel Singh again marched on Delhi in 1785. To counter the continuous threat from the Sikhs, the Mughal Emperor secretly entered into an agreement with the Scindias, who deployed Maratha forces in Delhi to help the emperor defend Delhi. Madhoji Sindhia ordered his troops to expel the marauders. After the first skirmish he realised that he would get better results by talking to the Sikhs than by fighting them. The Maratha agent in Delhi reported candidly : "The Emperor rules inside the city, while outside the Sikhs are Supreme." Negotiations were opened by the Marathas with the Sikh chiefs and the terms of a provisional treaty agreed on in March 1785. King negotiated peace with Sikhs through Begum Samroo who according to Giani Gian Singh's *Panth Parkash* told Sikhs, "You belong to Baba Nanak and we are heirs of Babur. So let us be friends." But according to Giani Gian Singh, in-fighting soon erupted among the Sikh Generals, when Sardar Jassa Singh Ahluwalia enthroned himself at the Red Fort. Sardar Jassa Singh Ramgarhia and some other Sikh commanders objected to it and laid claim to the Mughal throne. Sardar Jassa Singh Ahluwalia decided to step down from the throne and the fight was averted. The Sikh forces left Delhi for Amritsar as Diwali was fast approaching and they wanted to celebrate it in the Golden Temple.

According to Sardar Khushwant Singh the Sikhs let the chance slip to become the sovereign power of Hindustan.¹⁰⁶ According to S. Kapur Singh I.C.S. "When the imperial throne was lying ineffectively occupied and there was no all

India power, including the John Company or the Marathas, who could or would have even the desire to oppose the Sikhs assuming all India leadership, the Sikhs leaders who had five lakhs armed horsemen ready to fight and die in the cause of Panth, failed to assess the situation and wasted the energies of the Panth in conducting minor raids to collect yearly "blanket tax" (Kambli).

The Sikh Misl through years of internecine quarrels had reduced each other to political importance. But then appeared on the scene, Ranjit Singh as head of the Sukerchakia misl, who liquidated the warring misls, nurtured the consciousness of regional nationalism to forge a unified kingdom and harnessed the restless energy of the Sikhs to conquer neighbouring countries.

In 1799, he occupied Lahore and assumed the title of ruler although he ruled in the name of the Khalsa. He ordered new coins to be struck but these did not bear his effigy or his name but that of Guru Nanak. The seal of government likewise bore no reference to him. The government was not a personal affair but the Sarkar Khalsaji of the people who brought it into being and of those who collaborated with it, the court for the same reason came to be known as Darbar Khalsaji.¹⁰⁷

He entered into a treaty with the British in 1809 by which Sutlej river became the southern boundry of his kingdom. He conquered Multan in 1818, Kashmir in 1819 and extended his kingdom beyond Indus in 1821. Thus in about thirty years, Sikhs under Maharaja Ranjit Singh built an extensive kingdom which comprised the whole of the Sutlej, Kashmir, Peshawar and the Deras. It extended upto Leh and Iskardo in the north-east, Khyber in the north-west, Rajhan in south-west.

Thus Sikhs became a sovereign power acknowledged as a nation in the various international treaties and documents.

Sikhs served Maharaja Ranjit Singh as their ruler because they believed that sovereignty was given to him by that mystic entity, the Panth Khalsaji. He was impelled by the weight of tradition that had grown over the years, that it was the destiny of the Sikhs to rule (Raj Kare ga Khalsa) and that Ranjit Singh had been chosen by the gurus to be the instrument of their inscrutable design.¹⁰⁸

Thus Sikhs, constituted and acted as a political commonwealth under Maharaja Ranjit Singh. Syed Muhammed Latif writes, "Ranjit Singh preferred to be called Khalsaji, signifying the whole body of the Sikhs."¹⁰⁹ Khushwant Singh also expresses the same view by writing : "He (Ranjit Singh) acted not in his own name or that of the Shukerchakyas, but in the name of the entire body of Sikhs, the Khalsaji."¹¹⁰ According to N.K. Sinha : "He (Ranjit Singh) might have been absolute, but he always acted in the name of the Khalsa. He did not assume the title of king but rather the impersonal designation of Sarkar to denote the source of orders. In referring to his government, he always used the term Khalsaji or Sarkar Khalsa."¹¹¹

To correctly appreciate the status of Ranjit Singh we must study it in the context of the Khalsa Commonwealth which was the source of his power. On Guru Gobind Singh's death, the Khalsa Panth had established the practice of taking collective decisions. The first vital decision they took was to replace the Mughal rule in Punjab by their own. Therefore, when Maharaja Ranjit Singh established Sikh rule, he declared that his kingdom derived its authority from the Khalsa brotherhood and he himself was a humble servant of the Khalsa. He relished being called 'Singh Sahib'.

Sikhs as a nation and political sovereign were acknowledged in the treaty of 1842 between the Sikhs, who were then rulers of Punjab including Kashmir and the representatives of both the Dalai Lama and the Emperor of China. The treaty as reproduced in the letter from the Prime Minister of India to the Prime Minister of China, dated 26 September 1959 reads as follows : "There will never be on any account in future till the world lasts, any deviation even by the hair's breadth and any breach in the alliance, friendship and unity between the King of the world Siri Khalsaji Sahib and Siri Maharaj Sahib Rajai-Rajagan Raja Sahib Bahadur and the Khagan of China and the Lama Guru Sahib of Lhasa."¹¹²

The words Siri Khalsaji Sahib refer to the Sikh people and it is well established position of International Law that entering into treaties and making accession or cession of territory is only the privilege of a paramount power or political sovereign. This principle that even in a monarchy it is the people who

are the real sovereign was recognised by the British Courts in the case *United States Vs. Wagner* (1867 L.R. 2 ch. Ap. 582) wherein it was held that "in a monarchy (absolute or limited) the Ruler must, as between himself and his subjects, be regarded as a trustee for the latter ; that in the English courts and in the diplomatic intercourse with the British Government, it was the sovereign and not the State that was recognised."

British recognised the Sikh Nation repeatedly in their official references and treaties. Lord Dalhousie, Governor General of India, in 1848 in a highly inflammatory speech had remarked :

"Unwarned, by precedent, uninfluenced by example, the Sikh Nation has called for war, and on my word, Sirs, they shall have it with a vengeance."

Punjab was annexed by British after two bloody Anglo-Sikh Wars and on 30th March, 1849, proclamation annexing Punjab was read at Lahore. With that the British policy of finishing the national consciousness amongst the Sikhs started. Lord Dalhousie, then Governor General explained the position as under :

"There never will be peace in Punjab so long as its people are allowed to retain the means and opportunity of making War. There never can be now any guarantee for the tranquillity of India until we shall have effected the entire subjection of the Sikh people and destroyed its power as an independent nation."

Yet in another International Treaty the Sikh people were recognised as a political paramount power. The tripartite treaty of 1838 between Maharaja Runjeet Singh and Shah Shooja-ool-Moolk and the British Governor General of India in its article 14th states. "The friends and enemies of each of the three high powers, that is to say, the British and *Sikh Governments* and Shah Shooja-ool-Moolk, shall be the friends and enemies of all." While the Afghan government has been referred by the name of its chief the government of Maharaja Ranjeet Singh has been referred as Sikh Government.

There are three other documents of international significance which clearly assert the Sikhs to be a nation. Maharaja Daleep Singh, the last Sikh ruler of Punjab, whose kingdom was annexed by the British after the second Anglo-Sikh War *vide* imposed treaty of Bhairawal 1846 repudiated this treaty in 1886 when he failed to get justice from the British. He lived for some months in Paris in the strictest *inognito* and issued from there three proclamations *under his signatures* asserting himself to be sovereign of the Sikh people determined to get back his lost kingdom. These proclamations are :

- (i) *Maharaja of the Sikhs under the treaty of Bhairawal 1846.* This was issued on July 15, 1886.
- (ii) *The Lawful Sovereign of the Sikh Nation.* It exhorts his countrymen to help him in getting back his lost kingdom.
- (iii) *Sovereign of the Sikh Nation.* This bears a date of February 1887 and asks people to rise up and make common cause to liberate their mother country. He calls upon the Sikhs to prepare for "struggle sovereign both by will of Sri Sat Guru Ji as well as in the virtue of the treaty of Bhairawal 1846 with Great Britain."¹¹³

During British Rule, the Montague-Chelmsford Report in 1919 recognised the separate political entity of the Sikhs, as it provided "the Sikhs in the Punjab are a distinct and important people ; they supply a gallant and valuable element to the Indian Army ; but they are everywhere in minority and experience had shown that they go virtually unrepresented. To the Sikhs, therefore, and to them alone we propose to extend the system already adopted in the case of Mahammodons."

British, while they were preparing to leave Indian sub-continent were conscious of the fact that the Sikhs have a rightful claim to a Sikh State but they did not want to create one. Giving personal explanation of his speech in British Parliament, Mr. Amery wrote to the Marquess of Linlithgow on 20th August, 1942 as follows :

"You have referred to the encouragement to separation

which the Sikhs may have derived from the Cripps Mission or from references in my own speeches. Undoubtedly, there is nothing that with any justification they can point to as pledge, though that is not to say that they will not try. Clearly, however, the more Pakistan is pressed, the more Sikhs are likely in their turn to press for a degree of autonomy sufficient to protect them from Muslim domination. Advocacy of an independent 'Sikhistan' is, I imagine, bound sooner or later to give us trouble and if time and opportunity permit, I conceive that it would serve useful purpose to clear our mind on the facts and to have explored the various possibilities they suggest in advance of any further constitutional discussions.

At a superficial glance, the propounding of any practicable scheme seems to me to bristle with difficulties. I should judge that a separate Sikhistan is really unworkable without extensive transfers of population in order to mitigate the fresh minority problems that it would raise. We have on record here the view of the Government of India on certain schemes adumbrated at the Round Table Conference but we have not the means of investigating the question fully. I do not know if you would care to consider the desirability of entrusting the task to your Reforms Department in consultation with the Punjab Government. Complete secrecy would, of course, be essential, not only to avoid raising false expectations among the Sikhs themselves but also to prevent encouragement to separatist tendencies in other provinces like Madras and Bombay. I shall be glad to learn the results of any enquiry that may be undertaken."¹⁴

However, no such enquiry was undertaken because the Viceroy felt that such an enquiry would provide further encouragement to the demand for Khalistan which the British for their own strategic international interests did not want to concede.

However, at the time of transfer of Power in India, the Sikhs had laid their claim to a homeland on the basis of their distinct nationality. A resolution adopted by a representative gathering of the Sikhs held in February, 1946 under the

presidentship of Veteran Sikh leader Master Tara Singh reads :

“After giving mature and thoughtful consideration to the foregoing, the Panth is strongly of the opinion that no safeguards and guarantees of the communal constitutional nature, no weightage or protection promised to the Sikhs by any of the majority community can be considered adequate to protect the Sikhs and assure their free and unhindered growth as a nationality with distinct religious, ideological, cultural and political character.

In order to ensure the free and unfettered growth of the Sikh Panth, the Panth demands the splitting up of the existing province of the Punjab, with its unnatural boundaries, so as to constitute a separate autonomous Sikh State.”

However, as the British had no intention to restore the sovereignty of the Sikhs over Punjab, the Sikhs were forced to opt for India due to historical and religious compulsions. Hindu leaders like Mahatma Gandhi and Jawahar Lal Nehru had given them some assurances regarding their status within India on which the Sikh leadership relied.

After independence the Government of India recognised the Sikhs as a sovereign people in the Nehru-Tara Singh Pact contained in an official communique issued on 12th April, 1959 after a meeting between Pandit Jawahar Lal Nehru, the Prime Minister of India and Master Tara Singh, President of Shiromni Akali Dal, the premier political party of the Sikhs. Master Tara Singh had threatened to go on fast unto death from 16th April, 1959 to protest against Government interference in Gurdwara affairs. Clause (3) of this Nehru-Tara Singh Pact which was a compromise arrived at to avoid the fast, provided :

“No amendment in the Gurdwara Act will be made except with the consent of the general house of the Shiromni Gurdwara Prabandhak Committee expressed through a resolution passed by two third majority of the members of the S.G.P.C.”

This clause amounted to a surrender of legislative sovereignty in favour of S.G.P.C. which is representative body exclusively of the Sikh people.

Almost similar recognition, although impliedly this time, came from Government of India when Tara Singh went on fast unto death with effect from August 15, 1961 to protest against the discriminatory attitude of the government in not forming a Punjabi Speaking State demanded by the Sikhs although the rest of India had been re-organised on linguistic basis. Jawahar Lal Nehru, Prime Minister of India, on 28th August, 1961, made a statement in the Indian Parliament declaring : "It had repeatedly been said that there was discrimination against the Sikhs though instance of this had not been pointed out. I suggested, however, that if there was any such apprehension, a high level inquiry could be made into the matter to find out if there had been any such discrimination." On the basis of this offer, Master Tara Singh was prevailed upon to break his fast on 1st October, 1961. Soon thereafter, Government of India issued a notification which reads :

"Various charges have been made about discrimination against the Sikhs in Punjab. This has culminated in Master Tara Singh, a veteran Akali leader, taking the extreme step of fast unto death. The Government is strongly of the opinion that in a democratic set up, such an extreme step is neither called for nor justified and therefore, the fast should be terminated immediately ; however, in the present context of doubt and suspicion the Government has given thought to this matter and considered it advisable in accordance with the announcement made by the Prime Minister in the Parliament to appoint a Commission.

This Commission may go into the general question of discrimination, and examine any charges of differential treatment or grievances of the Sikhs. The appointment of the Commission would naturally take some time, but propose to do so as early as possible."

This official notification clearly recognises Sikhs as a distinct political group. A recognition on almost similar lines

recognising Sikhs as a distinct group had come from government of India earlier in 1947 when His excellency Chandu Lal Trivendi, then Governor of Punjab had issued a circular dated 10 October 1947 which was sent to all the district magistrates in the State. The circular reads :

“Sikhs as a community are a lawless people and are a menace to the law abiding Hindus in the province. Deputy Commissioners should take special measures against them.”

In the same light be interpreted the ban on entry of Sikhs in Saudi Arabia imposed by the Government of that country in 1950. It was an unusual step because Sikhs alone as a distinct group and not other Indian nationals were chosen for this discriminatory treatment. The normal international practice in this respect is that the government of the other country takes reciprocal retaliatory measures against the citizens of the country acting as such but government of India did not take any such steps. It was only in 1981 *i.e.* more than 30 years later, that Saudi Arabia of its own free will agreed to relax the ban partially on experimental basis. Even then, when the Prince Saud-al-Faisal expressed his desire to visit Punjab to personally acquaint himself with the Sikhs and their way of life, Indian officials expressed their inability to fulfil his desire at such a short notice.¹¹⁵

Yet another document of international significance conferring certain rights on Sikhs as a distinct entity, is the historic document signed by the President of Pakistan on October 13, 1979 on the occasion of official visit to Pakistan by an International Sikh Delegation.

But like Palestenians and Kurds, the Sikhs too have been denied a homeland so far which the Sikhs had lost to the British in 1849 A.D. after Anglo-Sikh wars. At the time of transfer of power in 1947 the British divided India between the Hindus and the Muslims on the basis of two nation theory and the Sikhs were left as orphans to struggle for their rightful claims. Since the Sikhs have been fighting for a homeland sometimes under linguistic cover and sometimes under the camouflage of provincial autonomy.

In reaffirmation of Guru Gobind Singh's litany "Raj Karega Khalsa", Shiromni Akali Dal at the time of merger of its two wings (Sant's Dal and Master's Dal) redefined the political goal of the Sikhs in the context of present day India. This document dated 8th October, 1968 published in the official organ of the S.G.P.C.¹¹⁶ reads as under :

POLITICAL GOAL OF THE PANTH

The political objective of the Panth, well grounded in the commandments of Guru Gobind Singh and concretely shaped by the Sikh History, is world-famous and well known.

Its exegensis, in the current political situation is hereby affirmed in the following terms :

"The order of the Khalsa, as ordained by Guru Gobind Singh and in accordance with his Commandments is a sovereign People by birthright and a sovereignty-oriented party *sui generis*. The political goal of Khalsa Panth, as publicly inscribed on a gate of the Golden Temple in the Formula "All decision making powers to the Khalsa" is known throughout the world. A sovereign Sikh People, within a free country, to achieve this goal within a free India, as the birthright of the Khalsa to be established within the framework of a well demarcated territory, enjoying a constitutional autonomous status, is the very foundation of the organisation and Constitution of the Shiromani Akali Dal."

Explaining this document S. Kapur Singh Ex. I.C.S. who had drafted the above document, said :

"In this statement, a new interpretation has been given to the divinely fixed goal of the Khalsa Panth and that interpretation has been accepted by the Shiromni Akali Dal, the essence of which is that the Sikhs are *sui generis*, a free and sovereign people and this right is inalienable and can not be compromised. The concrete realization of this status of the Sikh people is possible within the sovereign and territorial integrity of India, India being the matrix of

the clan which vivifies the political aspirations of the Sikh people."

"Mr. Kapur Singh went on to propound that in such countries as the USSR and the USA there were many nations brought together in one free, sovereign country and in the Constitution of India it should be possible to reconcile the *sui generis* status of the Sikhs within a sovereign, united India. It cannot be beyond the ingenuity of the political thinkers and constitutional experts to devise a framework in which this *sui generis* right of the Sikh people as well as the integrity of the country and the indivisibility of the nation is reconciled."

Earlier on July 20, 1966 the Akali Dal (Master Group) had passed a resolution formally demanding establishment of a Sikh homeland by stating that "first, the Sikh areas deliberately not included in the new Punjab to be set up, namely the establishment of Bhakra and Nangal, the areas of Gurdaspur District including Dalhousie, Ambala District including Chandigarh, Pinjore, Kalka and Ambala Sadar, the entire Una Tehsil of Hoshiarpur District, Desh area of Nalagarh, the tehsil of Sirsa and sub-tehsil Tohana and Ratia block of Hissar District, Guhla sub-tehsil and Shahbad block of Karnal District and the contiguous portions of Ganganagar District of Rajasthan must now be immediately included in the new proposed Punjab so as to bring all these contiguous Sikh areas into an administrative unit to be the Sikh Homeland within the Union of India".

"Secondly, such a new State of Punjab should be granted an autonomous constitutional status similar to one granted to the State of Jammu & Kashmir in the Constitution Act of India as it stood framed in 1950."

To meet this demand for a Sikh Homeland which is founded on Sikh claim to distinct nationhood, some clever politicians and writers have been asserting that Sikhs are a separate community and not a separate nation. S. Ganga Singh Dhillon of Washington in his enlightening presidential address at 54th All India Sikh Educational Conference, Chandigarh (13th-15th March, 1981), explained how the Sikhs are a separate nation : He said :

“A Nation is a body of people marked by common descent, language, culture, heritage and historical tradition, while a community is a body of persons leading a common life in the same locality. The above definition may look simple though, but make the point very clear that the Sikhs are a ‘Nation’ as they came into being, through a period of over two centuries, to develop a code of conduct and conclusion of its ‘Tenets’ by Guru Gobind Singh, who inaugurated the ‘Order of Khalsa’. The infant Nation (Khalsa Panth) was subjected to the bloodiest civil war in the history of the human race, which lasted 100 years, but the Nation did survive. Sikhs have a common descent, inasmuch as their ancestors constituted lineage. Sikhs have a common language—Punjabi with its own script—Gurmukhi (from the mouth of Guru). Although some Hindus in India and some Muslims in Pakistan, also speak Punjabi, they do not use ‘Gurmukhi’ script. They differ diametrically in their way of life, from others. Their scriptures, ceremonies, code, customs, appearance and modes of dress are world’s apart. They are not confined to a particular locality or region, but are spread all over the world. Sikhs are not a community, as it is commonly (thought) known and mistakenly understood; of course we have gotten used to it for such a long time that these wrongly disseminated notions sometimes are difficult to remove. However, let this message go from this time and place to friends and foes alike, that Sikhs are a nation by any definition.”

Thus 54th All-India Sikh Educational Conference organised by Chief Khalsa Diwan passed resolution that Sikhs are a separate Nation and demanding consultative status with non-political bodies of the United Nations on the lines of the Palestine Liberation Organisation. The following arguments were advanced in favour of these resolutions : (i) That the Sikhs are a Nation (ii) They are not confined only to India and as such have to face many problems which require international intervention for their solution; and (iii) the Government of India has utterly failed to help the Sikh settlers abroad. For instance, it did not come to their rescue when Indians, mostly Sikhs, were thrown out of Uganda by Idi Amin, with

stock and barrel. It also did not offer even lip sympathy, not to speak of rendering any aid, legal or financial, when the Sikhs recently launched an agitation against the order for the use of helmets in Britain.

The resolutions were lustily greeted with the slogan "Khalistan Zindabad." Dr. Sohan Singh, a former Director Health, Punjab, went so far as to say that the creation of "Khalistan" was the only way to end "blatant discrimination" against the Sikhs in India since independence.¹¹⁷

The government immediately swung into action. S. Inderjit Singh, who was Chairman of the Reception Committee of this conference was immediately removed from Chairmanship of the Punjab & Sind Bank, a nationalised bank originally owned and started by the Sikhs. Chief Khalsa Diwan which had been known since its inception to be a supporter of rulers of the day, was compelled to disown the resolution passed at the All India Sikh Educational Conference. Accordingly on April 16th 1981 Chief Khalsa Diwan passed a resolution No. 246 asserting its right to sit in judgement over the resolutions passed by the Educational Conference. It declared that it has nothing to do with the demand for associate membership of the U.N.O. for the Sikhs. It also condemned those who had raised slogans in favour of a separate Sikh State at the Conference and clarified that at this 54th All India Sikh Educational Conference no resolution demanding a Sikh State had been passed. This resolution of Chief Khalsa Diwan, however, didn't express any opinion on the resolution that Sikhs are a separate nation nor disassociated itself from this resolution of the conference.

However, the General Committee of Shiromani Gurdwara Prabandhak Committee, which is described as Parliament of the Sikhs, on 29th March 1981 passed a resolution No. 67 which reads :

"Resolved that this General meeting of the S.G.P.C. in view of the religious, political, historical and cultural background of the Sikhs, declares that Sikhs are a separate and distinct Nation."

This resolution of the S.G.P.C. was challenged by some persons in the Punjab & Haryana High Court and later

on even in Supreme Court but those writ petitions were dismissed.

In May 1981, an open discussion in the form of a seminar was organised by the Sikh Brotherhood International at Vithal Bhai Patel House, New Delhi. The speakers were almost unanimous in proclaiming Sikhs as a nation. The sole dissenter was Dr. Gopal Singh, Chairman of the High-Power Panel on minorities, scheduled castes, scheduled Tribes and other weaker sections, but he was hooted down by the audience as an agent of the government. An unexpected supporter of the Sikh Nation Theory at the seminar was Jathedar Santokh Singh, President of the Delhi Gurdwara Parbandhak Committee who is otherwise considered to be a pro-government leader.

In both India and Pakistan and in key areas around the World, much began to be said and written on this subject.

"Sikhs are a Nation" slogan soon got a wide public support from the Sikhs. Smt. Rajinder Kaur (daughter of Master Tara Singh) and Sant Jarnail Singh Bhindrawala made fiery speeches in support of this claim, on 13th April 1981 at the Golden Temple.¹¹⁸ Even moderate Sikh leaders like Sant Harchand Singh Longowal supported it. Sant Ji explained :

"The exclusiveness of religion, caste, customs, traditions, culture, literature, history of the community of the Sikhs were the basis of a nation. East Germany and West Germany were two countries, yet the German Nation is one. The U.N. is an organisation of different nations such as Hindus, Muslims, Sikhs and other communities."¹¹⁹

On Baisakhi Day, the day on which Guru Gobind Singh had founded the Khalsa Panth *i.e.* 13th April, a huge Sikh convention held at Anandpur Sahib in 1981 at the instance of Akali Dal (Talwandi) unanimously asserted the Sikhs claim to Nation and demanded associate status at the U.N. The text of the resolution adopted at this convention reads as follows :

"The status of the Sikhs as a nation stands historically recognised and accepted by major powers of the world,

right from the birth of the Khalsa up to the middle of the 20th century. Despite this the Sikhs whole-heartedly and with good faith opted for India at the time of the partition of this subcontinent into India and Pakistan by declining the offer of a separate Sikh State for them."

"No sooner did the Sikhs cast their lot with India, the rulers of New Delhi who had been repeatedly holding out solemn pledges to the Sikhs that no Constitution would be introduced in India without their prior approval and thorough satisfaction started committing a series of betrayals of their undertakings to the Sikhs."

"It is a matter of grave concern to the Sikh Nation that they have been subjected to the personal laws of Hindus despite repeated requests, demands and protests by the Sikhs against such imposition. This has been done with a view to demolishing the separate entity of the Sikh Nation. A calculated, malicious and nefarious propaganda, character assassination of the Sikhs through subtle and callous moves and acts of repression and suppression have become the order of the day.

"The Sikhs have noted with a sense of insecurity that attempts are being made by the dominant circle in the country to liquidate all members of the Sikh Panth from every walk of life. They have been denied justice, right of equal citizenship, due political status and a legitimate share in the country's socio-economic set up in complete disregard of their creditable contribution towards the struggle for freedom and for building and defending free India in the fields of defence and food.

"The plight of the Sikhs has been made so miserable that they are contemptuously treated as second-rate citizens, deprived of their fundamental rights of preservation of their separate entity, with full freedom to practice their religion.

"The rejection of a very simple request of the Sikhs for installing the Golden Temple Radio Station for broadcasting exclusively *Shabad Kirtan*—for which the Sikhs were to bear the expenses and which was to be under the complete control of the Union Government—is a monu-

mental proof of suppression of the free practice of religious faith by the Sikhs in the present set up in India.

“Therefore, this world convention of the Sikhs held under the auspices of the Shiromani Akali Dal at Anandpur Sahib, the birthplace of the Khalsa on April 13, 1981, its birthday anniversary unanimously resolves that the Sikh Nation should immediately approach the United Nations for its enrolment as an associate member for the honourable and dignified survival of the Sikhs and for rebuilding Des Punjab within the Union of India.”

Opponents of the theory, with support of the government too became active in opposing the concept “Sikhs are a nation.” On July 5, 1981, an All India Sikh Intelligentsia Convention was organised by Dr. Gopal Singh under an assumed status of President All-India Minorities Congress. In his presidential address he asserted that the Sikhs are a “quam” and not a nation. He said :

“The word ‘qaum’ which is Arabo-Persian in origin, denotes any sect, caste, religion or nationality. It is a loose generic term, having no special connotation in which it is being flaunted now-a-days by certain fundamentalists among us. The word ‘nation’ is an 18th century European concept, meaning territorial sovereignty, built mostly on language or race, but never on religion.”

Sardar Khushwant Singh, a journalist turned politician, who was nominated to the Rajya Sabha by the President of India, opposed it on the ground that Sikhs are no different from Hindus racially and ethnically.

Replying to these arguments, S. Ganga Singh Dhillon, wrote :

“A nation is not determined by a particular “blood line” only or ethnic stock. Nationhood is determined by culture, traditions, history, heritage, religious belief, values, goals, attitudes and aspirations. The foundation of “nationhood” be on the shared experiences and perceptions of nation’s future.

Every nation in the modern world is composed of racial mixtures and ethnic differences. Great Britain is made up of English and Saxons, Danes, Scots, Normans, French, Romans, Irish, Swedes and Norwegians. America is a melting pot of every race and ethnic stock on earth from Africa, Asia, Europe, the Middle East, islands of the Pacific and Atlantic oceans and from throughout the Western hemisphere. What has race and stock to do with Israel and neighbouring Arab nations. Both are all of semitic stock."¹²⁰

Supporters of nationhood quoted Mr. Robert Needham Curt wrote in 1859, "The Sikhs are not an effete race with only the faint tradition of the action of their remote ancestors within the memory of man. They had living faith, a vivid nationality and an independent kingdom." Similarly, Dr. R. Hume wrote in 1931, "Politically Sikhism is the only religion in the history of the world which gave birth to a "Nation", with the exception of judaism."¹²¹

Ever since the annexation of Punjab by the British in 1849, the Sikh people have strived hard to regain their lost glory and freedom although due to lack of proper direction and leadership their sacrifices went waste. Out of 121 people executed during struggle against the British for India's freedom as many as 73 were Sikhs, while out of 2646 sentenced to life imprisonment in the Andamans, 2147 were Sikhs. In the Jallianwala Bagh massacre which gave a new strength and dimension to fight for India's freedom, out of 1302 men, women and children gunned down by the British, 799 were Sikhs.

Sardar Hardit Singh Malik, who was Prime Minister of Patiala State and was appointed India's ambassador to France after independence, who had been closely associated with negotiations with the British for transfer of power, wrote in his article Khalistan : let us keep our cool : "I would like to remind everyone that we Sikhs could have had a separate homeland if we had wanted. It is well known that when the British decided to quit India and it became obvious that Jinnah would get his Pakistan, the Sikhs were offered a homeland and they refused."¹²²

Sikhs instead of an independent State opted for a zone promised by Jawahar Lal Nehru, where they too will experience the glow of freedom.

Mini nationalism is a global phenomena.¹²³ Most states in the world today are polyethnic or multinational *i.e.* they contain several ethnic groups some of which may view themselves as nations.¹²⁴ Sikhs demand for nationhood is, therefore, only a quest for an autonomous territorial sanctuary in their ancient homeland Punjab where they can safeguard their heritage against Hindu cultural imperialism. The Sikh minority wants a genuine power base in Punjab in order to fend off the gigantic power of the preponderant majority and to deter the creeping danger of assimilation and extinction.¹²⁵

The demand for "Nationhood" gained popularity amongst the Sikhs because due to distinct symbols Sikhs all over the world faced great hardships to maintain their ethnic identity. They had to struggle at various forums to win the fundamental freedoms.

W.O. Mohinder Raina and Corporal H.S. Grewal, two non-commissioned officers of the Indian Air Force, stationed at Delhi, faced court martial in 1973 for wearing flowing beards. They had sought an interview with A.O.A. for permission to wear flowing beard on religious grounds. The application was recommended by the Officer Commanding and forwarded to Air Head Quarters. But they were refused interview and the following reply to their representation was received :

"The application submitted by 274559 CPL Grewal H.S. seeking interview with A.O.A. in connexion with keeping the beard open on religious grounds was considered by the A.G.A. who is pleased to reject the same. Sikh personnel are to keep the beard neatly and properly dressed and not flowing except on medical grounds.

In view of above, you are to keep your beard rolled and not open and flowing in accordance with the existing service regulations. These orders are to be complied w.e.f. 13 Sep. 1973 (A.M. hours)."

Sd/- S.C. Bhatley
Sqn. Ldr, Adjutant.

The plea of the Sikh officers was that Indian Army or Air Force Acts do not compel a Sikh in the Indian Armed Forces to roll up his beard. Rather, during the British regime, Sikhs in the Indian Army who trimmed their beard were not tolerated and punished under the Indian Army Act, under the clause "An act prejudicial to good order and military discipline." During almost 100 years of British Rule there is not a single instance when a Sikh army officer was punished for keeping a flowing beard. The Acts passed by the British still continue to be in force. British were aware that a Sikh disciplined in his faith and social conduct proves a better soldier and there are instances during the British rule when senior Sikh Officers who had shaved were not allowed to join duty until they had again grown their hair.

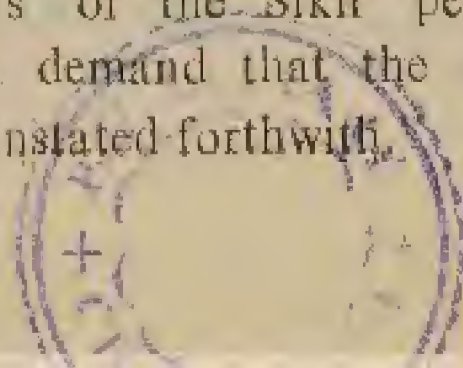
Sikhs resented the attitude of the authorities in free India which was just the opposite of the British. The preservation of Sikh form was not insisted to and thus the number of Sikh Officers, rank and file, who shaved off or trimmed their beards went on increasing. Sikh organisations such as Chief Khalsa Dewan made representations to the Indian government in this regard but these were rejected on the plea of secularism. As a result Sikhs in defence services were punished and their service terminated.

Sikh congregation from all corners of U.K. on 28/2/75 at the Sikh Temple, Birmigham protested against this Anti-Sikhs Policy and passed the following resolution :

"Attention of the Indian Government, the Defence Minister in particular, and the Chief of Staff Air/Naval/Army, is drawn to the direct interference in the Sikh religion, by court martialing and terminating the services of persons working in Armed Forces for not tying their beards. The Sikhs with united beard and leading a sacred and true life according to their Sikh faith, have a great respect in our society. The Sikhs never tolerated such discrimination under the Mughal and British rulers even.

The Indian Government is requested to stop interference in the religious matters of the Sikh people in particular, and meet the Sikh demand that the services personnel so discharged be re-instated forthwith.

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Such like resolutions were passed at several Sikh congregations. Sensing the widespread Sikh resentment, ultimately Government of India agreed to change its policy to some extent and issued orders directing Sikh recruits to pledge maintaining unshorn hairs.

Army H.Q. Letter No. A/02233/Rtg. 5(OR(a) dates 19 June 1975 provided :

“The question of enrolling Sikh candidates who have trimmed their hair has been examined at this HQ.

It has been decided that such Sikh candidates, who have had their hair cut, clipped or are partially shaven may be accepted for enrolment in the Army. These candidates will, however, be required to sign a certificate to the effect that while in service they will grow hair, beard and moustache as per customs of Sikh Religion.

Certificate will be on the forms as per appendix ‘A’ attached and sent to the Centre concerned alongwith enrolment documents of the recruit.

Sd/- A.K. Shivpuri, Lt. Col.
for Adjutant General.

The struggle did not remain confined to India alone and it extended to the entire world. In U.S.A., a young Navy enlisted man was ordered to report for captain's mast at Miramar Naval Air Station at San Diego to explain the uniform he wore when he reported for duty on 26 November, 1973. White turbans, he was told then, are definitely non-regulation.

But Avionics Technician 3/C Ronald Sherwood, 22, of Houston, would not take the turban off all day. Turbans may not be regulation for Navy petty officers, he admitted, but they are required for Sikhs. Sherwood pleaded that he had been converted during the Thanksgiving holiday, to Sikhism, which requires, among other things, constant wearing of the turban. He had changed his name to Ronald Singh Sherwood.

Sherwood's Commanding Officer, Comdr. Martin Winchester of Fighter Squadron 92, summoned him to his office and informed him in no uncertain terms that he was out of uniform.

Two American soldiers PFCs Fresco and Broadwell who

had similarly embraced Sikhism were also courtmartialled for disobeying orders to shave and doff turbans. Lt. Colonel Gurdial Singh (Retd.) wrote a letter of protest to the American President R. Nixon in this regard, in reply to which he received the following reply through Second Secretary of the U.S. Embassy in New Delhi. The letter reads :

Dear Colonel Singh,

Your letter of the November, 6, 1974, to President Nixon on the court-martial of PFC's Fresco and Broadwell for disobeying orders to shave and doff turbans following their conversion to Sikhism had been given to me for reply. They were discharged from the U.S. Army on the basis of their entire service records, which included several previous infractions.

The outcome was different in a third case, that of PFC Walter S. Mc. Mair. On January 8 he was found innocent of charges that his unshorn hair and turban violated military regulations. His defence was based on his constitutional right to free exercise of religion, which the court-martial upheld.

Since that time the U.S. Army has initiated a review of its policies on service by Sikh with an eye to seeing that the regulations permit full religious freedom while assuring necessary conformity with military discipline. In view of the McNair case and the review now under way, I trust you will agree with me that the questions raised in the Broad Well Fresco case have been resolved in a positive manner.

Sincerely yours

Sd/- Richard K. McKee.

Second Secretary of Embassy.

In 1950, President Truman had allowed an American Sikh conscripted in the Army to retain his hair unshaven. U.S. Army amended its dress code in June 1974 to allow beards and native religious head dress and Tom Elliot who after conversion to Sikhism had changed his name to Hari Nam Singh Elliot was first to enlist in U.S. Army with permission to go through Boot Camp without cutting his flowing beard or

removing the turban on his head. He had earlier served as a Sikh Minister in Santa Cruz.

In 1974, Canada, on the request of Ontario Human Rights Commission of Canada, Toronto Transport Commission decided to permit its employess to wear turban and keep unshaved beard. But the problem in that country still continues because in 1986 the Supreme Court of Canada gave a ruling that safety regulations had precedence over religious observances. It, therefore, upheld the dismissal of a Sikh electrician working with Canadian National Railway for his refusal to wear a safety hat. Similarly, in another case, the Supreme Court rejected a plea by some Sikhs that they would have the religious freedom to carry kirpans into a courtroom. The court held that even though the Canadian charter of rights and freedoms guaranteed religious freedom, reasonable limits on all freedoms are permissible. The case arose following a decision by a Winnipeg trial judge disallowing four accused and supporters from wearing Kirpans inside the court room as a safety measure.

Again in 1986, a Sikh recruit Ranjit Singh in the Canadian armed forces was discharged following his refusal to wear a safety helmet. He had been ordered to wear a safety helmet as a part of an 11-week artillery course at a Canadian forces base in Manitoba, but this young soldier refused to do so. A smaller turban that would neatly fit under the helmet was suggested by the Defence Department officials, but Ranjit Singh did not agree.¹²⁶

But as a result of representation made by The Sikh Dharma Brotherhood (U.S.A.), the Labour Department of U.S. Government *vide* its order dated 4th February 1975 exempted the Sikh workers employed in workshops from wearing safety helmet which are required to be worne by all the labourers in carpentary trade and construction, *vide* an OSHA Programme Directive of 1972. The exemption to Sikh employeess was granted under the provisions of the United States Constitution relating to free exercise of religion. Similarly, Hong Kong Government also in 1975 exempted the Sikhs driving motor cycle and scooters from wearing a crash helmet. "They can wear their turbans. The decision was made on religious grounds", the order said.

The government of Malaysia also allowed the Sikhs to wear a turban instead of a crash helmet in 1973. Tan Sri Sardon, Communications Minister, Malaysia, declared :

“Since the constitution respects religions of other races, we cannot force Sikhs with turbans to wear crash helmets. Sikhs who wear turbans need not wear crash helmets when they ride motor cycles or scooters.¹²⁷

However, the greatest hardship was faced by Sikhs in Britain to win the battle by turban. This was in spite of the fact that the British being former rulers of India were better informed about the Sikh traditions and history in this regard. As back as 1941, British Government in India had *vide* its order I.A.O. 329/1941 cancelled its order No. 994 of 1940 on steel helmets. The aforesaid order of 1941 provided, “..... steel helmets will not be issued to Sikhs nor will they be carried or worn by them unless the Sikhs of a particular unit unanimously ask to be allowed to do so.”

In 1975, Sardar Baldev Singh Chahal was convicted by the court in Highway, U.K. to pay a fine of £ 20/- or to undergo 30 days jail term for not wearing crash helmet while driving his motor cycle. Baldev Singh preferred to go to jail than changing from turban to helmet. After leaving the court he boarded his motor cycle still wearing his turban and was hauled up again. When questioned by the court for not wearing a crash helmet according to law of the land, he replied, “I am following the Sikh law promulgated on 13 April 1699 by Guru Gobind Singh, an authority higher than temporal court.”¹²⁸

During 1952 to 1972, Sikhs struggled a lot and established their right to wear turban while working in various spheres of the British Administration.

1952 : In 1952, Mr. Preetam Singh was the first Sikh to practise at the Bar in Britain wearing his turban instead of a wig.

1960 : Mr. Sant Singh Shattar became the first turban wearing Sikh to be a post-man in Birmingham.

Mr. Kuljeet Singh wore a turban while doing National service in the F.A.F.

1962 : Turbans were allowed by the Birmingham Corporation.

1964 : Mr. Baldev Singh was allowed to wear turban in the British Armed Forces.

Wolverhampton Transport Authority lifted ban on turbans after a protest by Sikhs at National level and hunger strike by a Sikh, Mr. Jolly.

1966 : Manchester Corporation allowed the Sikh bus driver to wear turbans after a seven year long struggle by the Sikhs.

Faced with religious and ethnic discrimination in several countries of the world, the Sikhs started feeling the necessity of coordinated action to safeguard their interest. 54th All India Sikh Educational Conference held at Chandigarh in March, 1981, passed a resolution for "creation of the International Secretariat to coordinate the activities of the Sikh Nation in the field of economic, education, cultural, political and religious affairs".

However, the Sikhs throughout the world were shocked when in July 1982, when the British Appeal Court headed by Lord Denning gave the ruling that Sikhs are not protected by the Race Relations Act as Sikhs are not a racial group but only a distinct religious community. The case concerned Park Grove, a private boy's school in Edgbaston. Mr. Mandla, a devout Sikh and a Birmingham solicitor, applied to send his son there but wanted him to wear the Sikh turban as well as the school uniform. The school declared that it had nothing against Sikhs as such but would not allow them to wear turbans or leave their hair uncut. Mr. Mandla took his son elsewhere, but Commission for Racial Equality brought an action against the school and its headmaster. Birmingham County Court judge on December 10, 1980 held that the Park Grove Private School, Bristol Road, Birmingham was not guilty of racial discrimination under the Race Relations Act 1976. The appellate court dismissed with costs the appeal against that order. Lord Denning in his judgment observed "Under the Act, it is perfectly lawful to discriminate against groups of people so long as it is not on racial grounds. You can discriminate against the Moopies or the Skinheads or any

other person to whom you take objection, no matter whether your objection is reasonable or unreasonable."

The judgement caused acute resentment amongst the Sikhs who felt that their comparison with Moonies and Skinheads are both insensitive and insulting. They argued that the Jews throughout the World, with nothing in common except religion, have been recognised as a distinct ethnic group while the Sikhs who have a common country of origin, history, language, script, culture, customs as well as religion have been denied such recognition. The Sikhs were particularly aggrieved by the judgement because in the Commons discussions prior to the passing of the 1976 Race Relations Act, Sikhs were given a categoric assurance by the Government of the day that they would receive the full protection of the Act. Even the White Paper published prior to the Act said that it would "similarly apply to requirements concerning the clothing worn by employees (e.g. preventing the wearing of turbans or saris)."

Mr. Sibghat Kadri, president of the Society of Black Lawyer's commenting on the judgement remarked, "Lord Denning's judgements on race and immigration have been racist and the Race Relations Act will have to be amended."

Lord Avebury, the Liberal Peer said, "This decision is even more bizarre than most of Lord Denning judgements. It is quite incomprehensible to me that he should say that the Sikhs are not a racial group."

S.G.P.C. wrote a letter of protest to the British High Commissioner in India in reply to which Mr. R.L. Wade-Gery informed the S.G.P.C. President, *vide* letter dated 25/8/82 that the scope of Lord Denning's judgement was confined to "interpretation of the scope of Race Relations Act of 1976 and not with the position of the Sikh community in Britain." The letter read that Lord Denning had described the Sikhs in Britain as "a fine community upholding the highest standards."

Chief Khalsa Dewan asked the Indian Prime Minister to intervene on their behalf as Lord Denning and his judge colleagues have been swayed by considerations of colour and nationality and not realities.

The Sikhs canvassed the views of many leading members of

Parliament and issued a press statement showing wide condemnation of ruling. Mr. Roy Hattersley, the Shadow Home Secretary said :

“Everyone who believes in a free society must despise the recent ruling by Lord Denning which effectively takes away from the Sikh Community the right to wear a turban..... No one can seriously doubt that the Sikhs are a separate race with a specifically identifiable culture and religion. I am confident that the next Labour Government will, therefore, incorporate those changes.....”

Mr. David Steel, the leader of the Liberal Party, said :

“It is deeply regrettable that one of Lord Denning’s final judgements should undermine the fundamental rights for the Sikhs to uphold a basic religious custom. I hope this bizarre judgement will be reversed on appeal, but if not we shall press for legislation at the earliest opportunity.”

The British Press criticised the ruling on the ground that it was opposed to intention of the legislators and Parliament. *The Times* in its article on 31 July, 1982 wrote :

“Race relations experts yesterday pointed to the White Paper on racial discrimination, which preceded the 1976 Act, and specifically mentioned the wearing of turbans as an area which would be covered by the legislation.”

Another leading paper *The Observer* in its issue dated 1 August, 1982 carried a leading article “Sikh Boy : Denning Thwarts Commons” read :

“Lord Denning’s judgement in the Court of Appeal last week that Britain’s Sikh Community is not a ‘racial group’ covered by the Race Relations Act is clearly contrary to Parliament’s intention when the Act was passed in 1976.

In the White Paper which preceded legislation, the Labour Government expressly referred to its intention to protect

people who were discriminated against for wearing turbans. Ministers confirmed that interpretation of the Bill while it was going through the Commons."

There was a flood of letters in the newspapers protesting against Lord Denning's ruling. On 10th October, 1982 there was a National Protest by the Sikhs. The procession headed by Sant Baba Puran Singh Ji started from Hyde Park and ended at 10, Downing Street where a petition signed by more than 75000 people protesting against the ruling was presented to the British Prime Minister.

The British Government refused to comment on the ground that the matter was *sub judice* but Honourable Minister Timothy Raison (Minister of State at the Home Office) said in a press statement, "The records of the House of Commons debate make it clear that the 1976 Race Relations Act was intended to protect Sikhs from discrimination for wearing turbans."

Lord Denning himself admitted later on that his judgement was wrong because he was ignorant of certain facts which were not known to him. In his article "After Thoughts—The Sikh boy's turban", Lord Denning himself admits: "The Court of Appeal was told nothing of the White Paper or of the proceedings in the House of Commons. Nor was the trial judge told. If we had been told of them, or if we had consulted them ourselves, it would certainly have influenced us. There would have been no occasion for the newspaper to say: 'Sikh Boy: Denning Thwarts Commons'.....If we had known of those proceedings, we might well have come to a different conclusion, and thereby saved any appeal to the House of Lords and any of the trouble that ensued as a result of our decision."

Perhaps at the time of writing his judgement Lord Denning was not aware that Mr. Brynmor John, then Minister of State at Home Office, participating in debate in the House of Commons on the Racial Act had declared: "Where any requirements laid down by an employer are nationally equal but in fact discriminatory against the Sikhs because of their religion, they would be caught, where it is unjustifiable, by indirect discrimination."

Sewa Singh Mandla and his son Gurinder went in appeal before the House of Lords which was heard and decided by the five man bench consisting of Lord Fraser of Tullybelton, Lord Edmond-Davies, Lord Roskill, Lord Brandon of Oak Brook and Lord Templeman. On 24 March 1983 the House of Lords allowed appeal. The judgement was pronounced by Lord Fraser, with which the other four Law Lords agreed.

The main question in appeal was whether Sikhs are a "racial group" for the purposes of the Race Relations Act, 1976. The answer to this question depended upon whether they are a group defined by reference to "ethnic origins". Lord Denning in his judgement had held :

"On all this evidence, it is plain to me that the Sikhs, as a group cannot be distinguished from others in the Punjab by reference to any racial characteristic whatever. They are only to be distinguished by their religion and culture. That is not ethnic difference at all."

Their Lordship accepted the definition of "ethnic" as given in concise Oxford Dictionary which was adopted by Lord Denning, Oliver and Kerr L.J.J. while deciding this case. According to it the word "ethnic" in its popular meaning involved "essentially a racial concept—the concept of something with which the members of the group are born; some fixed or inherited characteristic."

The case of the respondent was that the 1876 Act did not apply to Sikhs because they were essentially religious group and they shared their racial characteristics with other religious groups including Hindus and Muslims, living in Punjab. Lord Denning in his judgment had observed :

"On all this evidence, it is plain to me that the Sikhs, as a group, cannot be distinguished from others in the Punjab by reference to any racial characteristics whatever. They are only to be distinguished by their religion and culture. That is not an ethnic difference at all."

Their Lordships of House of Lords in their judgement, however, observed that :

Within the human race, there are very few, if any, distinctions which are scientifically recognised as racial." They, therefore, concentrated on the point whether the Sikhs are a group defined by ethnic origins. They laid down the crucial tests which should be applied to find out whether a group is of ethnic origin or not. The tests laid down are :

It must regard itself and be regarded by others, as a distinct community by virtue of certain characteristics. Some of these characteristics are essential; others are not essential but one or more of them will commonly be found and will help to distinguish the group from the surrounding community. The conditions which appear to be essential are these (a) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (b) a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition to these two essential characteristics the following characteristics are relevant :

- (i) either a common geographical origin, or descent from a small number of common ancestors;
- (ii) a common language not necessarily peculiar to the group;
- (iii) a common literature peculiar to the group.
- (iv) a common religion different from that of neighbouring groups or from the general community surrounding it;
- (v) being a minority or being an oppressed or a dominant group within a larger community, for example a conquered people (say, the inhabitants of England shortly after the Norman conquest) and their conquerors might both be ethnic groups.

A Group defined by reference to enough of these characteristic would be capable of including converts, for example, persons who marry into the group, and of excluding apostates. Provided a person who joins the group feels

himself or herself to be a member of it and is accepted by other members as such."

Their Lordships approved the observation of J. Woodhouse in a case *King Ansell Vs. Police* under the New Zealand Race Relations Act where same point with regard to Jews was involved. It was laid down in that case :

"The distinguishing features of an ethnic group or of the ethnic origins of a group would usually depend upon a combination, present together, of characteristics of the kind indicated in the supplement.

The real test is whether the individuals or two group regard themselves and are regarded by others in the community as having a particular historical identity in terms of their colour or their racial national or ethnic origins. That must be based on a belief shared by members of the group.....a group is identifiable in terms of its ethnic origins if it is a segment of the population distinguished from others by a sufficient combination of shared customs, beliefs traditions and characteristics derived from a common or presumed common past, even if not drawn from what in biological terms is a common racial stock. It is that combination which gives them an historically determined social identity in their own eyes and in the eyes of those outside the group, they have a distinct social identity based not simply on group cohesion and solidarity but also on their belief as to their historical antecedents."

Their Lordship held that the Sikhs qualify as a group defined by ethnic origins. They were originally a religious community founded about the end of the fifteenth century in the Punjab by Guru Nanak, who was born in 1469. But the community is no longer purely religious in character. Their present position is summarised sufficiently for present purposes in the opinion of the learned county court judge in the following passage :

"The evidence in my judgment shows that Sikhs are a

distinctive and self-conscious community. They have a history going back to fifteenth century. They have a written language which a small proportion of Sikhs can read but which can be read by a much higher proportion of Sikhs than of Hindus. They were at one time politically supreme in the Punjab."

The most crucial part of the judgement is that of Lord J. Templemen who while upholding Sikhs forming a community, recognisable by ethnic origins observed :

"In my opinion, for the purposes of the Race Relations Act, a group of persons defined by reference to ethnic origins must possess some of the characteristics of a race, namely group descent, a group of geographical origin and a group history. The evidence shows that the Sikhs satisfy these tests. As a race, the Sikhs share a common colour, and a common physique based on common ancestors from that part of the Punjab which is centred on Amritsar. As a nation the sikhs defeated the Moghuls, and established a kingdom in the Punjab which they lost as a result of the first and second Sikh wars.

They are more than a religious sect, they are almost a race and almost a nation."

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2

CONSTITUTION REJECTED

First attempt to frame a constitution for India was made in 1916 when the representatives of the Congress and the Muslim League met at Lucknow and entered into a pact, called Lucknow Pact, which provided separate electorate for Muslims in seven states where they were in a minority and promised one half of the elected seats in Punjab and one third of the elected seats in central legislature. The Sikhs were completely ignored during these confabulation. The Sikhs felt betrayed as the Lucknow Pact had placed them in a highly disadvantageous position. Chief Khalsa Dewan, as representative organisation of the Sikhs at that time, rejected this accord by writing to the Lieutenant Governor, in December 1916, "that no constitution will be acceptable to them which did not guarantee to Sikhs a share in the provincial and imperial councils as well as in the civil administration of the country, with due regard to their status before the annexation of Punjab, their present state in the country and their past and present services to the empire."

In August 1917, when the Secretary of State visited India to study administrative reforms, the Sikh leaders pressed their claim to one third representation in Punjab. The Montague-Chemsford Report of 1918 conceded separate representation to the Sikhs as well on the ground that "the Sikhs in the Punjab are distinct and important people; they supply a gallant and valuable element to the Indian Army, but they are everywhere in a minority and experience has shown that they go virtually unrepresented."

The Congress made yet another attempt to frame a constitution for India in 1928, when it called a conference of members of all parties "to consider and determine the principles of the constitution for Indians". A report prepared at the end of the meeting which came to be called Nehru Report recommended the abolition of separate electorates but conceded reservation of seats for Muslims at the centre as well as in the provinces in which they were in a minority. The Sikhs were again ignored. The Sikhs reaction was strong and vociferous as the report was patently unfair and unjust to them. While reservation was provided for Hindus in Sind and North-West Frontier Province and to the Muslims in U.P., C.P., Bombay, Madras etc. where they were in minority, no such provision was made for the Sikhs although they were a minority in every province. A representative Sikh gathering on 19th September 1928, after discussing the Nehru Report passed a resolution that "if separate representation is to be allowed to Muslim and non-Muslim minorities in other provinces, separate representation should be allowed to Sikhs too, who formed an important minority in Punjab, as admitted by the Nehru Committee."²

Veteran Sikh leader Baba Kharak Singh, addressing a Central Sikh League Conference at Gujranwala, called upon the Sikhs to "throw the Nehru Report into the waste paper basket because it is unjust and highly prejudicial to the interest of community."³

To impress upon the Congress the importance of the Sikh community, Baba Kharak Singh canvassed support for the boycott of the Congress by the Sikhs as it would "bring home to the Congress that the Sikhs are a living entity."

Meanwhile Congress had declared Lahore as venue of its next session. Moti Lal Nehru wrote to Sardul Singh Caveeshar that door for talks was still open and a satisfactory solution will be found in the near future. He asked him to mobilise Sikh support for the Congress session at Lahore. Sikhs accepted the assurances given by the Congress and participated in Lahore session of the Congress held in December 1928. The Congress at this session passed a resolution demanding complete independence declared that the "entire scheme of the Nehru Committee Report should be considered to have lapsed."

In view of the lapse of Nehru Report, Congress passed a resolution assuring the Sikhs that it will not accept any solution to communal problem which do not satisfy the Sikhs. The text of the resolution reads as under :

“But as the Sikhs in particular, and the Muslims and other minorities in general, had expressed dissatisfaction at the solution of the communal question proposed in the Nehru Report, the Congress assures the Sikhs, Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.”⁴

Similarly, in 1931 Mahatma Gandhi while addressing a meeting at Gurdwara Sis Ganj Delhi had said :

“Our Sikh friends have no reason to fear that it (the Congress) would betray them. For, the moment it does so, the Congress would not only thereby seal its own doom but that of the country too. Moreover, Sikhs are a brave people. They know how to safeguard their rights by the exercise of arms if it should ever come to that.”⁵

Muslim League was also trying to win over the support of the Sikhs as it would have enabled it to retain the entire Punjab in Pakistan. On 5th August 1944, Mr. Mohammad Ali Jinnah had declared that Sikhs were a separate nation and their sentiments needed to be respected.⁶ To counteract this allurements Sardar Patel had reaffirmed on 24th August 1945, the Congress Resolution of 1929 and promised on 5th April 1946 :

“Sikhistan issue will be considered in the Constituent Assembly after the transfer of power in the hands of the Indians.”⁷

On 16 June 1946, the Cabinet Mission announced a plan for representative interim government for India and Sardar Baldev Singh was invited by the Viceroy to join as Sikh representative. The Panthic Pratinidhi Board rejected the

Cabinet Mission Plan and directed S. Baldev Singh not to participate in the interim government. S. Baldev Singh wrote a letter to the British Prime Minister, seeking his personal intervention to undo the wrong done to Sikh community. While the Cabinet Mission had admitted the injustice of including predominantly non-Muslim areas in Pakistan and had also recognised the intensity of Sikh fears against Muslim majority domination, yet the group system proposed by it will in the end amount to a perpetual Muslim communal rule. The plan, wrote S. Baldev Singh, makes no provision whatever for the Sikhs. While a statutory provision has been made for resolving major communal issues in the Constituent Assembly as between the Hindus and the Muslims, the Sikhs, who were one of the three main communities of India, had been ignored. Baldev Singh urged the British Prime Minister that in all fairness the same provision should be extended to the Sikhs as well.

British Prime Minister Attlee replied that the statement of 16 May could not be changed to accommodate the Sikhs but he suggested that Sikhs instead of boycotting the Constituent Assembly should safeguard their interests by electing representatives to the Constituent Assembly and collaborating in the drafting of the constitution. On 18th July, 1946, Sir Stafford Cripps speaking in the British Parliament on the Cabinet Mission's plan, said :

“It was a matter of great distress to us that the Sikhs should feel that they had not received the treatment which they deserved as an important section. The difficulty arises, not from anyone's underestimation of the importance of the Sikh community, but from the inescapable geographical facts of the situation. What the Sikhs demand is some special treatment analogous to that given to the Muslims. The Sikhs, however, are a much smaller community, 55,000,000 against 90,000,000 and are not geographically situated so that any area as yet desired.....can be carved out in which they would find themselves in a majority.”⁵

It was in this context that Jawahar Lal Nehru had pro-

mised "an area and a set up in the North wherein the Sikhs can experience the glow of freedom," and Sardar Vallabhbhai Patel had promised to consider the issue of Sikhistan.

Attlee in his reply of 16th May to the letter written by S. Baldev Singh had assured the Sikhs that :

"It would surely be a mistake if the Sikhs refused to use the opportunity offered to them simply because they assumed in advance that the mere weight of voting power would be used to injure their vital interests and to deny their natural aspirations. The Constituent Assembly would face its problem in quite a different spirit."⁹

Therefore, when the Congress Working Committee in their meeting of 10th August 1946 appealed to the Sikhs to reconsider their decision and participate in the Constituent Assembly by assuring the Sikhs that "the Congress will give them all possible support in removing their legitimate grievances and insecurity, adequate safeguards for the protection of their just interests" the Sikhs on this assurance decided to respond to the appeal of the Congress and the Panthic Board on August 14, 1946 advised Sikh members of the Punjab Assembly to elect representatives to the Constituent Assembly. On 6th January 1947, the Congress again made it clear that the rights of the Sikhs in the Punjab should not be jeopardised. Again, on 8th March, 1947, the Congress Working Committee assured the Sikhs that Congress "would keep in close touch with the representatives of the Sikhs and other groups with a view to cooperating with them in the steps that may have to be taken and in safeguarding their interests."¹⁰

In July 1946, Jawahar Lal Nehru, at the All India Congress Committee, Calcutta had said :

"The brave Sikhs of Punjab are entitled to special consideration. I see nothing wrong in an area and a set up in the North wherein the Sikhs can experience the glow of freedom."¹¹

Even Mahatma Gandhi had called Punjab "Homeland of Sikhs in India."¹²

All these promises were being made because Sikhs were recognised as one of the three main communities in the Cabinet Mission Plan. To achieve the objective of extended borders of Pakistan, Jinnah had tried to persuade the Sikhs to opt for Pakistan. Jinnah time and again assured the Sikhs that their rights would be fully safeguarded and their claims dealt with generously. In the final stages of negotiations for the transfer of power, the Muslim League leadership had gone all out to placate the Sikhs and accommodate their wishes but there was no response from the Sikhs. The Sikh leadership opted for India on the promises made by Hindu leaders like Patel, Gandhi and Nehru in 1929, 1946 and 1947.

Cleverly Congress leaders while promising "Sikhistan in India" and "area and a set up in the north wherein the Sikhs can experience the glow of freedom", did not spell out its details, so much so that when in the Constituent Assembly the question of safeguards for minorities was decided in 1947, the question as regards the Sikhs was kept pending as it was said that the result of the partition was not known clearly then although before that date "Award" had been given. Sikhs were given to understand that their question has been kept pending as they are to be provided special treatment. But when power stood transferred all the promises were forgotten and Sikhs were told that "circumstances have changed." Minorities Sub-Committee of the Constituent Assembly in its report dated 23rd November, 1948 observed :

"It seems scarcely necessary for us to say that in dealing with this problem we are actually aware of the tragic sufferings which the Sikh community suffered both before and after the partition of Punjab. The holocaust in West Punjab has deprived them of many valuable lives and great material wealth. Moreover, while in this respect the Hindus suffered equally with the Sikhs, the special tragedy of the Sikhs was that they had to abandon many places particularly sacred to their religion. But while we fully understand the emotional and physical strain to which they have been subjected, we are clear in our mind that the question remitted to us for consideration must be settled on different grounds."

Sardar Vallabh Bhai Patel, Chairman Advisory Committee on Minorities, Fundamental Rights etc. wrote to the President of the Constituent Assembly on 11th May, 1949 :

“.....The Committee had recommended reservation of seats in order that minorities may not feel apprehensive about the efforts of a system of unrestricted joint electorates on the quantum of their representation in the legislature.”

When the above recommendations were being considered by the Assembly, events were taking place, following the partition of the country, which made it impossible to consider the question of minority rights in East Punjab, particularly in so far as the Sikhs were concerned. The question of East Punjab was accordingly postponed; and also the question whether right to contest unreserved seats should be given to the minorities in East Bengal.¹³ The Assembly accordingly decided to postpone consideration on the whole question of minority rights in the political field to be provided in the Constitution for Sikhs and other minorities in the East Punjab.¹⁴

But after independence when the power passed into the hands of Hindus who enjoyed absolute majority in the Constituent Assembly as well as all the provincial legislatures, the matter was taken up before the Advisory Committee on 30th December 1948 and in its report sent to Constituent Assembly it was recommended :¹⁵

“The Sikhs are a minority from the point of view of numbers, but they do not suffer from any of the other handicaps which affect the other communities dealt with by the Advisory Committee. They are highly educated and virile community with great gift not merely as soldiers but as farmers and artisans, and with a most remarkable spirit of enterprise. There is in fact, no field of activity in which they need fear comparison with any other community in the country, and we have every confidence that, with the talents they possess, they will soon reach a level of prosperity which will be the envy of other communities. More-

over, while in the undivided Punjab, they were only 14 per cent of the population, they form nearly 30 per cent of the population in East Punjab, a strength which gives them, in the public life of the province, a position of considerable authority.

We have come to the conclusion that we cannot recommend either communal electorates or weightage in the Legislature which are the main demands of the Shiromani Akali Dal. In the first place they are not necessary for the well-being of the Sikhs themselves for the reasons we have stated above."¹⁶

This gave a rude shock to the Sikhs because the arguments adopted by the Minorities Committee of the Constituent Assembly did not appeal to reason. The only change that had taken place was that Hindus who constituted a minority of 30 per cent in the United Punjab, had overnight become a majority with about 70 per cent of the state population and the percentage of Sikhs had increased to 30 per cent because of complete migration by the Muslim community from East Punjab. Simply because Sikhs had become 30% instead of 14% in East Punjab the Sikhs had not ceased to be a minority. Moreover, the Constitution was being framed for the whole of India and not for East Punjab alone and in the other states such as present U.P., Rajasthan, Madhya Pradesh etc. they were in hopeless minority. Similarly, the argument that Sikhs were a virile community gifted with qualities of farming and soldiery was no argument to refuse them concessions as a minority particularly when the Advisory Committee had itself conceded that partition of Punjab had deprived the Sikhs of many valuable lives and great material wealth."

Accordingly, the safeguards for minorities which had been passed by the Constituent Assembly itself earlier were withdrawn. Art. 292 was amended to withdraw the reservation in legislatures. The Fourth Schedule of Instrument of Instructions was also deleted on 11 October 1949, for that purpose. Even Art. 296 and 299 were amended to withdraw concessions given earlier. Sikh representatives S. Bhopinder Singh Man and S. Hukam Singh raised their voice against this breach of faith by the majority community. S. Hukam Singh, speaking

in the Constituent Assembly of India on 14th October, 1949 said :

“Now, Sir, I appeal to you to see how the representatives of the Sikhs know that they would be altered at the last moment ? If I do desire to retain those decisions, I am not asking for any further safeguards for the Sikh Community. I am only raising my voice against those safeguards being taken away from us. Safeguards which had already been given. And, if any body is going back on the undertaking or on his word, then it is the Drafting Committee or the party in power and not the Sikhs.”

Jawahar Lal Nehru on 13th December, 1946 moving aims and objects of Resolution in the Constituent Assembly, had said :

“The Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for the future governance a Constitution :

- (1)
- (2)
- (3)
- (4)
- (5)
- (6) Wherein adequate safeguards shall be provided for minorities, backward and tribal areas and depressed and other backward classes.”

Seconding the above resolution moved by Jawahar Lal Nehru, Veteran Congress leader Mr. Purshottam Das Tandon had said :

“The one important thing in the Resolution is the recognition of India as a free country. Our country is one and yet *we shall give full freedom to its various sections* to have for themselves whatever administration they liked. The present division of our country into provinces may change.

We shall do justice to all communities and give them full freedom in their social and religious affairs."

Thus the resolution clearly assured religious minorities not only adequate safeguards but also provincial reorganisation and autonomy to promote their culture. But after independence in 1947, whenever the Sikhs reminded the Indian leadership of these promises, the Sikhs were told that circumstances have changed. S. Hukam Singh speaking in the Constituent Assembly on 14th October 1949, said :

"The Sikhs are told, when they remind the Congress of their past pledges in 1929, 1946 and again in 1947 that "circumstances have changed". The Sikhs were recognised as one of the three main communities in the Cabinet Mission Plan of which the Constituent Assembly is the creature. The only changed circumstance is that Muslims have got Pakistan. Does it stand to reason that because the Muslims have secured Pakistan, therefore, the Sikhs have ceased to be a minority? Is this a logical conclusion? I will be failing in my duty if I do not point out what our feelings are. Pakistan resorted to crude and positive violence to eliminate their minorities. We are using a subtle, indirect and peaceful way of resolving the same question. True to our traditions, we are of course non-violent. I appeal to the house to go slow. I request the majority to win the confidence of the minorities by positive actions and not by mere slogans."

Another Sikh member of the Constituent Assembly, S. Ujjal Singh, who was a member of the Minorities Sub-Committee of the Indian Constituent Assembly had registered his dissent against the decisions of the committee taken by narrow majority, withdrawing the weightage given to the Sikhs through its earlier resolutions. He also referred to the assurances given to the Sikhs in the pre-independence period. In his letter dated 28th July, 1947 addressed to the Chairman, Minorities Sub-Committee, S. Ujjal Singh wrote :

"Sir,

I wish to record my dissent on the decisions taken by your Committee in regard to certain matters.

... ..

... ..

Sir Stafford Cripps and the Secretary of State for India, in their speeches in British Parliament in July, 1946 clearly stated that a strong position should be given to the Sikhs in the Punjab and N.W.F.P.

The Working Committee of the Congress in its resolution in August 1946 also assured that they will fully safeguard the interests of Sikh community.

In view of these assurances it is disappointing to find that the claim for weightage, by which the strong position of the Sikhs can be maintained in the Punjab, has been turned down by a majority decision of the Sub-Committee. The Sikhs have been very hard hit by the partition of the Punjab as a result of the establishment of Pakistan and it is only just and proper that weightage in the Provincial Legislature and Executive of the East Punjab as well as in the Union Centre should be provided for them."¹⁷

Even Maharaja Yadavendra Singh of Patiala, *vide* letter dated 5th September, 1947, addressed to Vallabhbhai Patel, protested against this breach of faith with the Sikhs :

"Ever since the Cabinet Mission produced the plan which recognised three elements in the national life of India, is to say, General, Muslims and Sikhs, it was hoped that with the commitments which the Congress, the Muslim League and the British Government had made, the right of the Sikh community to an honourable place in the body politic had been assured. Both during the war and before it, the Sikhs had established their claim to be regarded as a separate interest by virtue of the services that they rendered to the country and the nation.

... ..

... ..

... ..

... ..

I must point out that one or two things which have happened of late are likely to shake this faith, and, therefore, hasten to steps may be taken to put matters right.

Yet another Sikh member of the Constituent Assembly Sardar Bhopinder Singh Man had raised a point of order on this subject on 14th October, 1949, challenging the jurisdiction of the Constituent Assembly to reverse its earlier decision w.r.t. minority safeguards. Speaking on his point of order, S. Bhopinder Singh Man had said :

“The principle underlying this, the main principle on which this is based has been agreed to in very clear and emphatic terms. I shall make it clear. In the report submitted by the Honourable Sardar Patel as Chairman of the Advisory Committee on Minorities, Fundamental Rights etc. presented to this House on 27th August, 1947, clearly the minorities were defined on the one hand, and secondly, four points were discussed one by the distinctly, separately and quite clearly. The Four points were : First, representation in the legislatures, joint *versus* separate electorate; secondly, reservation of seats for the minorities in the Cabinet; third, reservation for the minorities in the public services; and fourth, administrative machinery rights. This report was submitted to the House and was later agreed to by this House. In the appendix, as adopted by the Constituent Assembly during the August 1947 session, it was agreed in regard to representation of minorities in the Cabinet as well as recruitment to the services—it is paragraph 9—it is said that due share will be given to the minorities in the All India Services and provincial services and the claims of the minorities shall be kept in view in making appointments to these services, consistently with the efficiency of Administration. Not only that, they make it further clear in emphatic and clear terms. They say, appropriate provision shall be embodied in the Constitution or a schedule thereto to this effect.

Having agreed to that, actually the Drafting Committee moved a special article 299 in which the rights of all the minorities were granted. Not only that, a later report was

submitted to this House by the Advisory Committee on the subject of political safeguards to minorities on May 11, 1949. In this report the earlier decisions were reiterated and confirmed and not denied. Only in so far as the first item was concerned, that is safeguards in the legislatures were concerned, they were abrogated. So far as the other rights were concerned, they were allowed to remain intact. What had been conceded or passed by this House is now being taken away. I submit Sir, that this is a substantial change and unless a special resolution is brought in this House, this House cannot go back upon its own decisions."

Faced with these open allegations of breach of faith and betrayal by the Sikh representatives Sardar Vallabhbhai J. Patel, who was also Home Minister of India, speaking in the Constituent Assembly of India on 14th October, 1949, said :

"Sir, I had no intention to speak on this Article (296), but when I heard that a definite insinuation was made in this House that because the Congress Party has a majority in the House, therefore, it does not care for the promises given to the Sikhs and they are breaking the promises given to them—I have to speak. I am very sorry to hear the charge from the Sikhs or a representative of the Sikhs. S. Hukam Singh made this point. At another place on another occasion I had made it clear to him and yet he seems to have raised the same question. Now I wish only to answer that charge for the other things I do not think I need go into discussion or say anything about it. But when it is alleged that Congress is breaking its promises given to the Sikhs, one after another, I wish to understand the position.

We are—he alleges—breaking the promises given in 1929, one in 1946 and another in 1947. I do not know what promises he refers to. If he refers to 1929 and then again to the partition of India and Pakistan, I wish to point out to him that there was not a single Sikh voice against the partition; on the other hand they are probably in the forefront demanding partition of the Punjab. After the

butchery and the bloodshed that took place in Rawalpindi and Multan, the Sikhs were terribly upset and naturally distressed and they had considerable sympathy from the Congress. At the time there were other tragedies happening in other parts of the country and then came the conflagration in Lahore, Amritsar and other parts of the Punjab. It was at that time with the concurrence of the Sikhs—unanimously with one voice they agreed—we agreed to the partition of India. Now to turn round and charge us with a breach of faith is a charge which I cannot understand and it is not right for the Sikh community—a brave community like the Sikhs—to fling these charges at us. Who were we to agree to the partition of India and partition of the Punjab if the Sikhs were opposed? We could never have done that. Because they also said that it was best in the interest of India that we should agree to partition on the condition that Punjab was partitioned—that we agreed to it. Now that is about 1929 promise.¹⁸

But that was certainly not about the 1929 promise which had assured the Sikhs that no constitution will be accepted which does not fully satisfy the Sikhs but now S. Patel was himself over-ruling all Sikh demands and framing a Constitution which even refused to recognise Sikhs as a minority. S. Patel's words "I do not know what promises he refers to" betrays how ungrateful and unashamed one can be. The promise made by the Congress in 1929 had been re-affirmed by the Congress leadership in 1948 and the Sikhs were re-assured that Congress stands committed to its promise of 1929. Akali Dal Working Committee meeting on 17.3.48 held at the residence of S. Baldev Singh (Minister in Interim Government) in Delhi had passed the following resolution :

"Whereas the Congress is committed by its resolution of 1929 to give the Sikhs full satisfaction in the matter of communal safeguards affecting them and whereas the Minority Advisory Committee has appointed a High Power Small Committee of among others, Dr. Rajinder Parshad Congress President, Pandit Nehru, Sardar Patel and whereas the right course for the Sikhs is to trust the sense

of fairness and generosity of these big personalities, the meeting of the Working Committee of the Shiromni Akali Dal after due deliberations resolves that all Members of Panthic Akali Party both at the centre and in the East Punjab are advised to join the Congress Assembly Parties forthwith."

Even Dr. Rajinder Parshad, first President of India, who was also President of the All India Congress Committee before Independence, had in a note annexed to letter dated 22nd January 1948, written to Mr. Vallabhbhai Patel, had admitted that Congress had given such an assurance to the Sikhs. The note reads :

"The political position of the Sikhs should be secured. The Congress position has been that it would not do anything on the minority question without their consent. The position of the Sikhs has been regarded as peculiar, and it is necessary that something should be done to create confidence among them. The population of the Sikhs in the Punjab as it was apart from the States was $37\frac{1}{2}$ lakhs. Of these about 20 lakhs were in the Eastern Punjab according to the national boundry and $17\frac{1}{2}$ lakhs in the Western Punjab. Now there is no Sikh left in the Western Punjab and, except those who have been killed or otherwise destroyed, all have migrated to India. It is difficult to give any exact figures of those who are in the Punjab as distinguished from those who have passed over to Delhi or U.P. or other places, but roughly the Sikh population in the East Punjab now may be taken at about 33 lakhs or so, which is one-third of the total population of East Punjab. The Sikhs have been enjoying, under the Constitution of 1935, 50% weightage in representation, their population being 13 per cent of the total and their representation being 19 or 20 per cent. If the same proportion of weightage is maintained they will have about 50 per cent in the representation in the East Punjab and, in view of their peculiar position, this should be given to them otherwise they will feel a sense of injustice."¹⁹

"As regards places like Delhi and U.P. where there is

considerable Sikhs population although not very large in proportion to the entire population, the Sikhs may be given the same rights as other minorities, *i.e.* reservation of seats according to population plus the right to contest additional general seats. They should also be given a status in the centre by giving them extra representation."²⁰

Sardar Patel's assertion that it were the Sikhs who wanted partition is also false. In 1946, when Cabinet Mission consisting of Lord Pethick-Lawrence, Sir Stafford Cripps and A.V. Alexander was sent to India to find a solution to the India's Communal tangle, Sikhs had strongly pleaded for a united India and had opposed vehemently the creation of Pakistan.²¹ It was due to Sikh opposition that the Cabinet Mission rejected the demand for Pakistan by observing in its report :

"Nor can we see any justification, for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs..... We ourselves are also convinced that any solution on which involves a radical partition of the Punjab and Bengal as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundry."²²

Partition of Punjab was demanded explicitly by all the non-Muslim parties. It was to save Punjab from going to Pakistan that Sikhs had agreed to partition of Punjab. In 1947, at the time of partition, Congress in its memorandum submitted to the Boundary Commission had itself used Sikhs as its trump card to claim maximum area from Punjab for India. It had prayed :

"It is, therefore, essential as much to the peace of the two divisions of the Punjab as to the protection of the Sikh culture and solidarity that it should be divided and that as many of them as is feasible be brought into the Eastern part of the province."²³

This is also borne out from the letter dated 15th June, 1947 written by Dr. Gopichand Bhargava to the Chairman, Congress Central Parliamentary Board, New Delhi, which reads:

"In my opinion the resolution regarding partition shall become necessary if the League resolution to the effect that in case of non-partition of the Punjab, the province should join the Pakistan Constituent Assembly, is adopted."²⁴

Mr. Jinnah and Liaquat Ali Khan had agreed to the formation of the Sikh State with its separate military establishment within Pakistan, provided the Sikhs did not press for partition of Punjab and agreed to join Pakistan.²⁵ This was a great sacrifice by Sikhs for India, but all this was forgotten soon after independence by the Indian leadership and when the Constitution of India was framed and finalised a systematic well planned strategy was adopted of not giving any weightage or concession to Sikhs as a minority and ultimately to arrange for their gradual submergence and annihilation as a political entity and cultural minority. When the Sikhs announced their intention of assembling at Delhi, constitutionally to voice their demands, their leader Master Tara Singh was arrested on 19th February, 1948 at Narela Railway Station while coming to New Delhi to address the Akali Conference fixed for 20th February, 1948 at Gurdwara Rakab Ganj, New Delhi which too was banned by the Government.

Before fixing the conference, on 23rd January, 1948, Giani Kartar Singh, S. Bhupinder Singh Man and S. Harcharan Singh Bajwa had met Dr. Ambedkar and discussed the position of Sikhs with him. Dr. Ambedkar had once in 1936 expressed his desire to embrace Sikhism alongwith his followers from the depressed classes. But later due to opposition from Mahatma Gandhi and other Hindu leaders, he had to drop his plan

although earlier in September 1936, he had sent a group of thirteen of his followers to Amritsar to form the vanguard to conversion movement.

As a result of large scale exchange of population between India and Pakistan, the Hindu population in the Punjab came to be 62.3% giving them absolute majority and the Sikh population in the then entire East Punjab came to be 35% again a minority in the new set-up. But at the same time, the Sikhs had benefited by partition of Punjab because as a result of migration there came into existence a compact area of comprising the 12 districts of the present Punjab, a contiguous area of nearly 50,000 square miles which had a majority of Sikh population. This proved a blessing in disguise for the Sikhs. Dr. Ambedkar, a shrewd politician and statesman, who was later Chairman of the Constitution Drafting Committee, highlighted this aspect in conversation with the Sikh friends who were lamenting at the huge losses suffered by the Sikh people during partition. Dr. Ambedkar summed up the Sikh gains to his friends as under :

“Before partition, the only area where Sikhs could claim majority and where their number was the highest was Moga Tehsil where you Sikhs were 45%. In the entire United Punjab, you were 13%. You were a minority at the mercy of the two communities, Hindus and Muslims, even in the province of Punjab where you were concentrated. You played an equal role with the other two communities, numerically much bigger than you, because of your inherent strength, dynamism, drive and hard work. But politically you were nowhere. Partition has been tragic indeed for the country causing material loss and tremendous, but to-day after this migration, though forced you Sikhs have been the greatest gainers politically and would be the greatest gainers economically hereafter. Your community to-day, from all that I hear and see, has come to be in majority in the six Sikh States with an area of about 12 thousand square miles you are likely to be in majority or are already in majority, however small it may be, in 8 districts of Jullundur division. Here is an area of nearly fifty thousand square miles where you will be in majority, however small

it may be, in 8 districts of Jullundur division. Here is an area of nearly fifty thousand square miles where you will be in majority in a short time to come, when the conditions stabilise and this forced exchange of population is complete. Your community for once in history of more than 400 years has a 'Homeland' which you can call your own. Hereafter you have a territory with majority. You have got a language of your own traditions, history and heroes. You have got a religion, common bond amongst yourselves and by all canons of nationhood, you are people having a homeland and yet you tell me that you have suffered terribly. History depicts that sufferings have been always undergone for such objectives. How long would any party in India be able to crush you or treat you badly, when you have got a territory of your own which on the admitted and accepted principles of self determination can opt out if the exigencies of time and situation demand."

Dr. Ambedkar, therefore, told Giani Kartar Singh and others that the remedy of the Sikhs lay in demanding Punjabi Suba.²⁶

PUNJABI SUBA

Demand for reorganisation of Punjab may be traced back to the time of Indian Round Table Conference held at London. At that time, Sir Geoffrey Corbett who had served in Punjab as Financial Commissioner and was Secretary of the Indian Delegation to the Round Table Conference, London, had suggested it as a solution to the communal tangle in Punjab. He had proposed separation of Ambala Division from the Punjab on the ground that it was not a punjabi speaking region and was linguistically and culturally more akin to the Merut and Agra Divisions.²⁷ As then this would have raised the percentage of Muslims in Punjab to 63% the Sikh delegates had rejected that proposal and instead suggested then that Rawalpindi and Multan Divisions (excluding Montgomery and Lyallpur District) be separated from the then Punjab as it would have given non-Muslims a majority in the remaining portion of the province. Lahore Resolution of the Muslim

League demanding Pakistan had also sought "territorial readjustment as may be necessary".

These demands had continued to be made right upto the partition of the country.

Some British officers such as Sir Edward Penderal Moon, who was Secretary, Development Board, Government of India in 1946-47, made several representations to Her Majestys Government recommending creation of a Sikh dominated zone. In a letter dated 27 June, 1947, Sir Moon wrote to Lord Ismay, the Chief of Viceroy's Staff :

"It will considerably facilitate matters if it can be so arranged that the new Eastern Pu jab has the strongest possible Sikh complexion and does not, therefore, include Gurgaon, Hissar, Rohtak and Karnal. The Sikhs have already put this demand to Congress who hesitate to accept it. I would suggest that this Sikh demand should be encouraged and conceded. You can doubtless be of assistance in this regard. If the Sikhs are taken out of Hindu clutches as they want to be—and put in a more or less independent position of their own, they are much more likely to gravitate in the end towards their natural alignment with the rest of the Punjab and Pakistan."²⁸

Sir Moon, in his letter even hinted at creation of a Sikh buffer state between India and Pakistan by suggesting :

"The next step would be to indicate that it is optional for this Sikh Eastern Punjab to join either Hindustan or Pakistan and that there is no presumption that it must join one rather than the other. The Sikhs will probably make this clear themselves, but if they ask for some pronouncement from HMG, it will probably be advisable to accede to their request."²⁹ Sir Moon had even suggested planned migration to achieve this object but when Lord Mountbatten wrote about it to Jinnah and Pandit Nehru, Jinnah did not reply while Nehru declined saying time was short.

Dr. Rajinder Parshad in his note annexed to letter dated 22 Jandary, 1948 addressed to Mr. Vallabhbhai Patel on Sikh problem, had suggested :

“The Districts of Rohtak and Gurgaon did not actually belong to the Punjab as their language is that of Delhi and their life and culture are also more like Delhi than of Punjab. If these two districts, which are predominantly Hindu with a very small Sikh population, could be attached to Delhi then the position of the Sikhs in East Punjab as it will be after the separation of these two districts will be very much better numerically speaking than it would otherwise be and a solution of the difficulty may be found by this re-adjustment. They feel that whereas the Musalmans have got their Pakistan and the Hindus the rest of India, they should be given a position in the only province in which they are largely concentrated so that they may feel that they have a substantial share in the political rights and administration of the province.”³⁰

On 2.8.1948, Master Tara Singh addressing a press conference at Delhi had demanded the creation of Punjabi-speaking State through linguistic reorganisation of Punjab. Earlier, on 30-5-1948, a delegate session of the Akali Dal meeting at Teja Singhi Sammundri Hall, Amritsar had passed a resolution rejecting the merger of Akali Dal into the Congress and electing Master Tara Singh as president of the revived Akali Dal.

As soon as the power was transferred in August 1947, a painful surprise awaited the Sikhs in free India. In October 1947, when the Sikhs, wounded and mangled were trekking out of West Pakistan into India, the newly appointed national Governor of the Indian Punjab, Sir Chandu Lal Trivedi, issued a secret policy-directive to his officials to deal with the Sikhs as a people, as if they were habitual criminals. This circular dated October 10, 1947 issued to all the Deputy Commissioners, read as follows :

“Sikhs as a community are a lawless people and are a menace to the law-abiding Hindus in the province. Deputy Commissioners should take special measures against them.”³¹

S. Kapur Singh, a senior I.C.S. Sikh officer who was serving as Deputy Commissioner, protested against this unusual policy directive, he was sacked on flimsy charges. It created a wedge between the Hindus and Sikhs of Punjab.

S. Kapur Singh fought against his dismissal upto Supreme Court but he was denied justice and the Sikhs discovered that even the laws of the land have become "merely the will and whims of those in power, and as such, the most terrible weapons of tyranny."

This policy of discrimination and suppression against Sikh public servants continued and when the Sikhs publicly voiced their concern over this state of affairs, a regular and well-sustained programme of handpicking Sikh public servants for discrimination and punishments was taken in hand. In a representation³² to Dr. Rajendra Prasad President of India, on the subject of Sikh unrest, five distinguished Sikhs³³ informed the President of the serious consequences that are likely to flow from such policies. The representation reads :

"Now it is freely conceded that throughout the country, no innocent reputation and no innocuous carrier of any public servant is safe, once it becomes the target of the displeasure of politicians. This point is stressed to demonstrate that measures and policies originally aimed at discriminating against an individual or a minority, almost always result in the end in serious and lasting harm to the entire civic foundations of a people and the state, and the Sikhs, although sorely grieved at the wanton destruction and impairment of harmless careers of a considerable number of Sikh public servants in the civil and military both, during this process, which harm they have no powers to redress and must, therefore, nurse as a lasting grievence, are even more grieved at this permanent harm done to the public services of the country as a whole, destructive of their basic sense of security and self confidence. The Sikh public servants, who have thus been made to suffer, are a matter of past sorrow to and an existing grievence of the Sikhs, but the other consequence, a mere by-product of it, is a permanent and continuing harm, pregnant with serious consequences concerning the civic safety and welfare of the people of India as a whole and this has hurt the Sikh feelings no less than their own particular grievence in the matter."

Central government meanwhile issued a circular to the provincial government directing it to ignore communal organisations in all matters connected with the administration. Akalis strongly resented this directive and interpreted it as a "breach of faith with minorities who were assured of unfettered existence in free India in the course of negotiations for independence."

On 25.8.1948 Master Tara Singh announced that Akali Dal will launch a struggle for (1) Recruitment of the Sikhs to the Indian Army (2) The formation of Punjabi-speaking State (3) Safeguarding the Sikh rights and interests in Pepsu (4) Introduction of Punjabi as the court language and its adoption as the medium of instruction in schools and colleges and (5) Allotment of land and property to the refugees according to what they possessed in West Pakistan without any cut or deduction.

Sikh States in East Punjab such as Patiala, Nabha, Jind, Faridkot, Kapurthala, Malerkotla, Kalsia, Nalagarh were merged on 5th May, 1948 and called PEPSU (Patiala and East Punjab States Union) through a covenant signed that day. Formal inauguration was done by Sardar Patel on 15th July 1948 who in his inaugural address described the new set up as a "Homeland of the Sikhs." But a crises came to surface on the very first day of inauguration in the matter relating to formation of interim government because the Hindus opposed the appointment of a Sikh as head of this interim arrangement. However, the new set up was inaugurated with Maharaja Patiala as Rajparmukh and Maharaja of Kapurthala as Uprajparmukh. Later a caretaker government was formed with Sardar Gian Singh Rarewala, who was at that time in the service of Patiala State as Premier and Sir Jai Lal (Adviser) and Mr. B.R. Patel (Chief Secretary). This was done in spite of protests by the Shiromni Akali Dal which laid its claim to form the government as representative of the Sikhs which constituted majority of the population. Akali Dal Working Committee on 25.7.1948 had asserted :

- (a) Whereas it is admitted that the Sikhs constitute an effective majority in the Patiala and East Punjab States Union, the Shiromni Akali Dal is, therefore, of the

considered view that it is Shiromni Riyasti Akali Dal which alone represents the voice of the Sikhs, that should and could be called to form the Ministry with the cooperation of the other parties.

(b)

(c) Shiromni Akali Dal repeats its off-declared policy that it stands for peace, tranquility and cooperation with other elements in the country. Despite this, if efforts are made to bring in minority's rule through the Sikh hirelings in the Union, the Shiromni Akali Dal will be constrained to think of other steps to meet the menace."

In spite of the fact that two out of the 3 members of the caretaker government were non-Sikhs, the Hindus lead by the State Congress Chief launched an offensive against the Sikh Premier S. Gian Singh Rarewala on the ground that he was a relative of the Maharaja of Patiala. Entire Administration in the State was changed to the detriment of the Sikhs who were reduced to minority in every sphere of administration in spite of their being in majority as regards population of the area. On popular protests a broad-based ministry was formed on 13th January, 1949 with S. Gian Singh Rarewala as its head and four Sikh Ministers and 3 Hindus. But even this ministry which was sworn in on 20th January, 1949 was dissolved on 18th November, 1949 and the Central Government of India took over the administration. Thus even in a Sikh majority region, a Ministry headed by a Sikh Premier was not tolerated. On 28th November, 1949, the Akali Dal through a resolution condemned this dissolution of Ministry.

Yet another shock came to the Sikhs when on 26th January 1950 the flag of Patiala's ruler which had the words of Guru Gobind Singh blessing the house of the ruler of the state *i.e.* "Tera Ghar Mera Aseh" because of which the Sikhs had special emotional attachment with it, was replaced by the flag of the Rajparmukh. Akali Dal gave a call for protest and the Sikhs hoisted Sikh flag atop their houses.

Sikhs were also shocked when on 9th June, 1949, Senate of the Punjab University which was then the only university of East Punjab, passed a resolution rejecting Punjabi as a medium of instruction. Vallabhbhai Patel as Home Minister of India patronised opposition to Punjabi language by writing to Jawahar Lal Nehru on 17th July, 1949 that Punjabi was not a language but a dialect [with no grammar, literature and a willingness on the part of the people to adopt it. ³⁴

In October 1949, the Punjab Government, with a view to resolve the language controversy announced a policy which came to be known as *Sachar Formula* vide which :

- (i) Both Hindi and Punjabi were recognised as regional languages of the province.
- (ii) Punjabi was to be the medium of instructions in Punjabi zone schools upto the matriculation stage but Hindi was to be taught as a compulsory subject. In Hindi zone Hindi was to be medium of instruction and Punjabi was to be compulsory subject. Punjabi zone was to consist of Amritsar, Jullundur, Gurdaspur, Ferozepur, Ludhiana and Hoshiarpur districts plus portions of Hissar district lying to the east of Ferozepur and Patiala side of Ghaggar river and Rupar district.

The Sikhs were being denied justice in the Constituent Assembly as well and were being forced to fight for what had been given to others by the Assembly.

In the constitution reservations in legislatures and services were provided for Hindu scheduled castes on the ground that they are backward socially, economically and politically. It was a cloak to retain these scheduled castes in the Hindu fold because they were rapidly getting converted to other faiths which unlike Hinduism granted them equal social status. Thus on the one hand reservations were being denied to all religious minorities in the name of secularism and on the other hand a section of the majority community was being given privileges on grounds of castes and religion. But when Sikhs demanded the same rights for certain backward sections of their religion on the ground that are also backward, socially, economically

and politically, it was opposed by the members of the majority community on the ground that Sikh religion does not acknowledge any discrimination on account of caste and for securing political rights Sikhs should not sacrifice certain principles of their religion. Vallabhbhai Patel speaking on this subject in the Constituent Assembly said :

“When this resolution was brought, and this question was about to be considered, the Sikh representative of the Punjab came to me and they said that so far as the Scheduled Caste Sikhs are concerned, they should be treated separately and given the same advantage that was being given to the Hindu Scheduled Castes. The Scheduled Castes objected to a man that these are not Scheduled Castes and if they are Scheduled Castes, then they are not Sikhs. Therefore, they said, “you cannot give them separate treatment. There are forcible conversions being made from the Scheduled Castes to the Sikhs for this purpose.” That was their grievance. On the other side, the Sikhs said that they had converted so many and it was not by force. “They have come to our fold”, they said, “and if you do not recognise these concessions, then they will all go back to the Scheduled Caste Hindus and we will lose.”³⁵ Posing himself to be a friend of the Sikhs who had been disclaimed, Vallabhbhai Patel advised them, “To ask for this concession for the Scheduled Castes Sikhs does not reflect credit on the Sikh community.”³⁶ When the Sikhs quoted from history that Sikh ruler Maharaja Ranjit Singh had been extending help to the Scheduled Castes, Vallabhbhai Patel lost his wits and taunted angrily. “They quoted Ranjit Singh who gave such help to the Scheduled Castes. What empire did they hold, the Scheduled Castes ? They have been most down-trodden people, absolute dust with the dust. What is their position today in spite of all our tall talk.”³⁷

Yes, even today they were dust with dust and that is why Sikh representatives wanted the same concessions for them which were being granted to the Hindu Scheduled Castes. The fact was that Hindu leadership which had been transferred the destiny of the people of this region overnight by the British

imperialists was conscious of the Sikhs claim to sovereignty in Punjab and it had adopted a policy of discrimination and suppression towards them from the very beginning although under the garb of sweet talk and gentlemanliness, Patel betrayed his malice towards the Sikhs by saying : "That is what the Scheduled Castes are. They are not people who keep kirpans. They are a different lot. But to keep a kirpan or a sword and to entertain fear is inconsistent. This may react detrimentally to your cause I do not grudge this concession to the Sikhs. I will ask the Sikhs to take control of the country and rule. They may be able to rule because they have got the capacity, they have got the resources and they have got the courage. In any field, either in agriculture, in engineering or in the army, in any walk of the life you have proved your mettle. Why do you begin to think low of yourself ?"³⁸ Thus the Sikhs had no right to decide what was good for them and people like Valabhbhai Patel, who represented to majority community took upon themselves the responsibility of deciding for the Sikhs and interpreting the tenets of Sikh religion.

Confrontation between the government and the Sikhs on this question of discrimination against the Sikh Scheduled Castes reached its climax when a Sikh convention held at Anadpur Sahib served an ultimatum on the government of India that it will launch an agitation if the Sikh Scheduled Castes were not extended the same privileges and concessions as were allowed to the Hindu Scheduled Castes. Master Tara Singh explaining the reasons for this struggle declared :

"Today, this government has maintained certain concessions (which are) allowed to the people on their becoming Hindus and those are snatched on one's becoming a Sikh. If we cannot remove this discrimination by our sacrifices, we would be considered as finished. I cannot tolerate such a zoolam on Sikh religion and Sikh Panth even for a moment, I prefer death to life of such a disgrace."

The Government was left with no alternative but to accept the Sikh demand which was based on fair play and justice. So, the Advisory Committee on Minorities in its report recommended :

"The Committee also accepted the unanimous proposal made by the Sikh representatives that the following classes in East Punjab, namely Mazhabis, Ramdasis, Kabirpanthis and Sikligars, who suffer the same disabilities as other members of the Scheduled Castes, should be included in the list of Scheduled Castes so that they would get the benefit of representation given to the Scheduled Castes. Subject to this change and to the above mentioned resolution the report of the special Sub-Committee appointed by the Advisory Committee was approved."

Thus after a great struggle the Sikhs were able to get the same concessions for the Sikh Schedule Castes which were given to Hindus. But even while conceding this demand, a trick was played upon the Sikhs. The concession was extended to Sikhs not with regard to all the scheduled castes but only regarding Kabirpanthis, Mazahbis, Ramdasis and Sikligars. Sardar Gian Singh Rarewala, Chief Minister, Pepsu Government, *vide* letter dated 2 May, 1950 addressed to Vallabhbhai Patel protested against this discrimination by writing :

"You are fully aware of the circumstances which led to the recent inclusion of four more names to the list of scheduled castes, *viz.* Kabirpanthis, Mazhabis, Ramdasis and Sikligars. We of this State never had any voice in this decision. I am now informed that in the notification which the Hon'able President may shortly be issuing, a footnote is likely to be given to the effect that a member of any of these four castes shall be deemed to be a member of a scheduled castes not withstanding that he professes the Sikh religion. Unless it is also clearly stated that those professing the Sikh religion among the remaining 31 castes will also be similarly treated as members of the scheduled castes, the only inference will be that this will not be so. In other words, the Sikhs among the remaining 31 castes will lose the benefits, concessions and privileges which under the constitution are open to all members of a scheduled caste as such. Should this be so, the population figures of scheduled castes would drop considerably and this will automatically reduce their representation both in the State Legislature

and in Parliament. I have not been able to comprehend what exactly is the intention underlying this change. If we treat a certain sect of people as a backward sect and put it in the list of scheduled castes, it would have all the privileges which go to the members of these castes irrespective of the religion they profess. One's religion is his personal affair, and change of religion does not, as it should not, change the caste."

Even this genuine demand of the Sikhs was rejected and Vallabhbhai Patel *vide* his letter dated 4th May, 1950 informed Sardar Gian Singh Rarewala that "there can be no question now of widening this concession."

Sardar Hukam Singh, in his speech of 21st November 1949 in the Constituent Assembly of India had also pointed out this attempt to discriminate against the Sikhs on ground of religion. He had said :

"Certainly according to the Sikh religion, there is no untouchability. But does it stand to reason that if there are two sons of one father and they are untouchables and one embraces the Sikh religion, he should be neglected simply because he professes that religion different from the one which he originally professed ? Would that not have been discrimination on account of religion."

But the Sikhs were made to pay a very heavy price for the same. The Hindu leadership was bent upon killing the identity consciousness of the Sikh people. Shrewd Hindu leadership imposed a condition on the Sikh representatives that in lieu of getting concessions for Sikh Scheduled Castes, they will have to give up all their demands for any privileges in the constitution. The Sikh representatives were made to sign a writing to that effect. Vallabhbhai Patel himself narrated the entire episode in the Constituent Assembly on 14th October, 1949. He said :

"Now it was against our conviction to recognise a separate Sikh Caste as untouchables or Scheduled Castes, because untouchability is not recognised in the Sikh religion. A

Scheduled Caste Sikh community has never been in the past recognised. But as the Sikhs began to make a grievance continuously against the Congress and against us, I persuaded the Scheduled Caste people with great difficulty to agree to this for the sake of peace. I persuaded the other members of the Advisory Committee on the condition, which is in writing by the representatives of the Sikhs, that they will raise no other question hereafter.

Then in the Advisory Committee when the question came, Sardar Ujjal Singh raised the question, "What about the Services?" I said, your representatives have given in writing that no other question hereafter is to be raised."³⁹

Whenever, the Sikh representatives asked for something in the Constituent Assembly, Vallabhbhai Patel threatened to take back the concessions granted to the Sikh Scheduled Castes. "If you leave what you have got for the Scheduled Castes, I shall persuade the Constituent Assembly to give you what you want, but you will repent afterwards,"⁴⁰ was his pet reply to the Sikh demands. Hindus were in overwhelming majority in the Constituent Assembly and the Sikh representation was only a drop in the ocean. So the Sikh voice was gaged with repeated threats. Vallabhbhai Patel, used to say, "I advise you not to create this atmosphere by saying continually "we are badly treated, badly treated. If you do, then it is the Sikh community that will be hurt."⁴¹ Sikh representatives were denied opportunity to speak in the Constituent Assembly.⁴² Even the Congressite Sikh members were not listened to. When Sardar Baldev Singh sought appointment with Vallabhbhai Patel to discuss with him the report of the Advisory Committee on Minorities w.r.t. Sikhs, Vallabhbhai Patel put him off by telling that "the whole question will be gone into further on Babu Rajendra Prasad's return to Delhi." When through letter dated 15th December 1948 he again sought to settle the Sikh problem "without violating the agreed principles to the satisfaction of the vast majority of Sikhs,"⁴³ he was informed by Vallabhbhai Patel *vide* letter dated 19th December 1948 that Dr. Rajendra Prasad has agreed with the report and Sardar Baldev Singh should raise his points in the meeting of the Advisory Committee of the

Constituent Assembly.⁴⁴ To rebuff Sardar Baldev Singh for pleading the cause of the Sikhs, Vallabhbhai Patel wrote him *vide* letter dated 30th December 1948 that his attitude was the same as that of Master Tara Singh.⁴⁵ S. Baldev Singh became docile and offering regrets wrote in apologetic tone : "I have heard it said by some people that Master Tara Singh is supported by me in his present attitude. Nobody knows my views and beliefs better than yourself. I was pushed into politics against my wish and ever since I have been, I have tried my best, under the most difficult circumstances, to bring the Sikhs around to the Congress point of view. I need not go into the difficulties I have had to face; but in spite of bitter fight in the 1946 elections, the Sikhs stood side by side with the Congress, and there is not a single instance since in which I have let the premier organisation down. Furthermore, as you know, after months of discussion and pursuasion, I was successful in persuading all the Panthic M.L. As. in East Punjab and Centre to join the Congress. This was done with a clear conscience and honesty of purpose both in the interest of the Sikhs, the East Punjab province and the country as a whole. It pains me to hear at this stage that I am not honest in my motive."⁴⁶

But while Congressmen like S. Baldev Singh lacked courage to speak openly in the Constituent Assembly, Sardar Hukam Singh summing up the denial of justice to the Sikhs in the Constituent Assembly on 21st November, 1949, declared :

"The Congress was announcing again and again that all minorities shall have proper safeguards. The Muslims refused to be contented with any safeguards, but insisted on having a home for themselves. They got Pakistan, and can have no further grievance. The Anglo-Indian community has been sufficiently protected. They can have no grouse. The Parsees and the Christians are far more advanced educationally and economically and have declared that they do not want any safeguards. It is only the Sikh community that earnestly desired, repeatedly requested and constantly cried for safeguards but have been denied any consideration. They fail to understand why they have met this treatment. The majority can oppress, it can even

suppress the minority; but it cannot infuse contentment or satisfaction by these methods.⁴⁷

Separate electorates have been done away with; the Sikhs submitted to it cheerfully. The reservation on population basis in the legislatures was abolished. Their representatives fell in line with others. But the economic safeguards about services were never voluntarily given up. On scrutiny, it appears to be a very trivial thing. But it was a test case where the majority was on trial. It was said that it was a blot to acknowledge any religious minority; but the Anglo-Indians have been given safeguards in the Constitution. They are a religious as well as a racial minority according to Government's own publication. The entry about consideration of claims of Sikh community to services would have disfigured the constitution, we were told here; but a similar entry about the Scheduled Castes and Scheduled Tribes and the Anglo-Indians does not impair its beauty. The whole economy of the Sikh community depended upon agriculture and army service. Lands have been left in Pakistan and their proportion in the army since the partition has been greatly reduced and is being reduced every day.

Their demands were very simple. They wanted a Punjabi speaking province. That has been denied. It was not a communal demand, but a territorial one. But the majority community in the province went so far as to disown their mother tongue. That language is in danger on account of aggressive communalism of the majority. Andhra Province is a settled fact; other cases are to be looked into; but North India cannot even be considered for it. The next was this consideration for services, that has also been denied."

Therefore, on 21st November, 1949, S. Hukam Singh on behalf of the Sikh people rejected the Indian Constitution by declaring in the Constituent Assembly :

"Naturally, under these circumstances, as I have stated, the Sikhs feel utterly disappointed and frustrated. They feel that they have been discriminated against. Let it not

be misunderstood that the Sikh community has agreed to this constitution. I wish to record an emphatic protest here. My community cannot subscribe its assent to this historic document."

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17. Ujjal Singh, *Did Sikh Leadership Fail* (Art.) Spokesman, 11th June, 1973.
18. Constituent Assembly Debates Vol. X, p. 246.
19. Sardar Patel's Correspondence (1945-50), Vol. 6, p. 308-309.
20. *Ibid.*
21. Khushwant Singh, *op. cit.*, II, p. 258.
22. Menon, V.P., *Transfer of Power in India*.
23. Punjabi Suba : A Symposium, National Book Club, p. 148.
24. Sardar Patel's Correspondence, Vol. 5, p. 294.
25. Mr. Jinnah's offer of a Sikh State (Art.) by Maharaja Yadvinder Singh of Patiala in Tribune, Ambala, 19th July, 1959.
26. Bajwa Harcharan Singh, *op. cit.*, p. 82.
27. Sir Geoffrey Corbett, "The Communal Problem in the Punjab" Indian Round Table Conference, III, Appendix VI, p. 1431.
28. *Transfer of Power*, Vol. XI, p. 692.
29. *Ibid.*
30. Sardar Patel's Correspondence (1945-50), Vol. VI, p. 309.
31. Bajwa Harcharan Singh, *Fifty Years of Punjab Politics*, p. 83.
32. Dated 7th June, 1960.
33. S. Gurnam Singh (Retd.) Judge Punjab High Court, S. Harbans

Singh Gujaral, Advocate, Supreme Court of India and member S.G.P.C.

S. Dara Singh, Ex. Minister of Education in Pepsu. S. Narotam Singh, Ex. Minister of Education, Punjab. S. Kartar Singh Chawla, Advocate, S.C. of India.

34. Sardar Patel's Correspondence, Vol. IX, p. 146.
35. Constituent Assembly Debates, X, p. 247.
36. *Ibid.*, VIII, p. 353.
37. *Ibid.*
38. *Ibid.*, p. 354.
39. *Ibid.*, p. 247.
40. *Ibid.*, p. 248.
41. *Ibid.*, p. 248.
42. *Ibid.*, IX, p. 1564.
43. Sardar, Patel's Correspondence. Vol. 6, p. 349.
44. *Ibid.*
45. *Ibid.*, p. 353.
46. *Ibid.*, p. 351.
47. Constituent Assembly Debates, Vol. XI, p. 752.

3

CRISES OF IDENTITY

Framing of Indian Constitution without any minority safeguards demanded by the Sikhs, made the Sikh people conscious of their helplessness in free India. The Indian National Congress was the ruling party and it had become clear that it was dominated by rank communalists. To quote S. Khuswant Singh, internationally known historian of the Sikhs : "The chief cause of Sikh uneasiness in free India was the resurgence of Hinduism which threatened to engulf the minorities. Renascent Hinduism manifested itself in phenomenal increase in Hindu religious organisations, the revival of Sanskrit, and the ardent championing of Hindi. The Punjabi Hindu was more aggressive than the Hindu of other provinces."¹ Their (Hindus) gross unethicallity and cynicallity, their low perfidious character, is all too obvious. In the Constituent Assembly, when the Act was passed, the only two Sikh-Akali Dal representatives there, stood up and declared—a declaration which is inscribed in the permanent proceedings of the Indian Parliament : "The Sikhs do not accept this Constitution. The Sikhs reject this Constitution."² Nobody paid the slightest attention to what they were saying, although these Sikhs refused to sign the original copy of the Indian Constitution, which now lies displayed in the library of the Indian Parliament House. They, the Sikhs, were just ignored.

Master Tara Singh in his autobiography writes that when he met Nehru to plead for grant of equal concessions for

Sikh scheduled castes, Nehru frankly admitted before him that Hindu members of Parliament were communalists and he was helpless before them.³

The problem facing the Sikhs was, therefore, how to retain their distinct and separate identity in a state nominally pledged to secularism but in actual practice increasingly Hindu? Economic or political sanctions could no longer be invoked; the only hope lay in having a province or state where they could insist on the teaching of the Punjabi language, Sikh scriptures and history and mould the minds of the younger generation to cherish the Khalsa tradition.⁴

Explaining the situation which compelled the Sikh leadership to demand Punjabi Speaking State in India on linguistic basis Master Tara Singh writes, "We made the demand for the Punjabi speaking state, for it was a demand which could not be refused according to the past promises and principles of the Congress. The demand, if conceded, improves the position of the Sikhs on provincial basis. We thought that we need some political power on provincial basis only, where there were Hindus who wished to finish the Sikhs; and these anti-Sikh Hindus dominated the Punjab Congress, the Punjab Press, the Punjab Legislative Assembly and all other spheres of political power. I still hold the same opinion. I have no fear of non-Punjabi Hindus. Though the attitude of the Central Government is not very helpful, but I believe this is only a temporary phase. There are some ministers of the Central cabinet who are also communalists; but they cannot be anti-Sikh permanently. They are duped by the Punjab Arya Samajists and some other Punjabi Hindus who are out to crush Sikhs and absorb them within Hinduism under the false hope that they can do so with the political power they wield."⁵

This demand was made by the Sikhs firstly in the year 1947. There was not a single dissentient voice amongst the Sikhs at that time. In fact when Akali members of the Punjab Legislative Assembly insisted upon their joining the Congress in March, 1948 after the murder of Mahatma Gandhi, they were allowed to do so on the express understanding that they would come out of the Congress if they were unable to have

the said demand agreed to by the Congress within six months. But the understanding arrived at with the Akali members who went to the Congress, did not work : and the struggle of the Shiromni Akali Dal with the seceding Akali members ensued.

With the demand for Punjabi speaking State gaining momentum, the Hindus opposition to the same also increased. Hindu Press started prompting the Hindus of Punjab to return Hindi as their mother tongue in the coming census. With this communal cleavage increased and the climax came in 1951 during the census operations when the Punjab Hindus, by and large, falsely returned Hindi as their mother tongue instead of Punjabi under the influence of Hindu leaders. Even Hindu census officials took active part in this falsification of records. This led to serious disorders at several places and the Hindu-Sikh tension increased in the whole State. C. Rajgopalachari, who was then the Home Minister of India, stated in the Lok Sabha :

“For some time before and after the census, a controversy has been going on in the Punjab and Pepsu areas, particularly on the language question. A section of the Hindus have been asking people to return Hindi as their mother tongue instead of Punjabi. This has caused resentment among the Sikhs, with the consequence that by both, in public speeches in the Punjab, strong statements and counter-statements have been made on this issue. On the 10th February an altercation occurred between a section of Hindus and Sikhs in a village in Jullundur district, leading to a disturbance as a result of which one person was murdered. It is believed that the returns submitted on the question of language have been incorrect in a large part of the Punjab *i.e.* as to whether the mother tongue of the person concerned is Punjabi or Hindi.”

The communal tension increased so much that Prime Minister had to direct that recording of language column in the census record be stopped.

Then came in 1952 the first general election. Manifesto of the Shiromni Akali Dal reiterated the demand of the Sikhs

for creation of a Punjabi Speaking State through reorganisation of Punjab "which is a question of life and death for the Sikhs." The demand was strongly opposed by Pandit Jawahar Lal Nehru, who addressing a public meeting at Patiala on 4th January, 1952 declared the demand as secessionist saying, "I will not allow India to be divided again. I will not allow any further trouble. If there is any trouble in any part of India, I would put it down with all my strength."

This approach on the part of National leaders towards Punjabi Speaking State created bitterness in Sikhs minds and added to their determination to achieve it at all costs. However, the Hindus solidly supported the Congress in its opposition to Sikh demand as a result of which Akali candidates were routed in Punjab. But it added further to bitterness between the two communities. However, in Pepsu Akalis succeeded in forming a United Front Ministry headed by their Chief Minister S. Gian Singh Rarewala. United Front had a strength of 27 in a house of 49 (There were 2 vacancies in a house of 51). The election of S. Gian Singh Rarewala was set aside on an election petition. Instead of giving a chance to the United Front which was still in majority to elect another leader, the Assembly was dissolved and President Rule imposed in Pepsu. This was the first non-Congress government in India, but it was not allowed to function and was dismissed through various intrigues. All this convinced the Sikhs that federalism and democracy in India were only a hoax.

President's rule was imposed in Pepsu after dismissal of United Front Ministry and Mr. Rao was appointed adviser to the President for running the government in the State. He immediately on appointment removed the Chief Secretary and the two Deputy Commissioners who were Sikhs and brought about other changes in the administration which created an impression that he was assigned the task of changing the Sikh character of Pepsu which Sardar Vallabhbhai Patel had himself described as Sikh Homeland. This further added to Sikh's alienation from the national mainstream.

Akali Dal Working Committee condemning this murder of democracy passed a resolution which reads :

"The haste and the hurry with which the constitution was suspended in the Pepsu State, where alone Sikhs constitute majority, and the administration taken over by the President proves abundantly to what undemocratic and autocratic length can the Congress Government go to suppress the Sikhs. And then the methods and the long term measures far beyond the scope of his authority and appointment that are being adopted by the present adviser to eliminate effectiveness of the Sikhs and their homeland are well known."⁷

When mid-term poll in Pepsu came near, on 27th December 1953, Pandit Jawahar Lal Nehru came to Fatehgarh Sahib to address a congregation of the Sikhs which is held annually on the occasion of anniversary of martyrdom of two sons of the tenth Guru Gobind Singh. Jawahar Lal Nehru was opposing demand for formation of Punjabi Speaking State in his campaign for Congress party and this was not liked by the Sikh masses. The Sikhs were not ready to allow Nehru to avail their religious congregation for opposing their demands. Master Tara Singh who was present in the congregation when Nehru came to the stage protested against the misuse of Sikh religious stage by the Prime Minister. S. Atma Singh, a former M.L.A. assisted by a band of spirited youngmen did not allow Jawahar Lal Nehru even to utter a single word from the stage and snatched the microphone from the hands of the Prime Minister. There was a disturbance and the Sikhs did not allow Nehru to speak. The Hindus took it as insult to the Prime Minister of India.

This incident had its impact on the politics of the region, because only five days prior to this incident on 22nd December, 1953, the government of India had announced the appointment of a States Reorganisation Commission. The terms of reference of this commission were intentionally kept vague by the government and the commission was required to "investigate the conditions of the problem, the historical background, the existing situations and the bearing of all relevant important factors thereon." Although at the time the most controversial issue was that of the Punjab, no Sikh was nominated to this Commission.⁸

The Akalis in their memorandum before this Commission, demanded the formation of a Punjabi Speaking State by putting together the Punjabi Speaking areas of Punjab, Pepsu and Rajasthan. It asserted that Punjabi was a distinct language recognized in the Indian Constitution. It has a special script known as Gurmukhi. Punjabis in general have a distinct common culture and a common mother tongue and they should, therefore, have their own state.

In fact, the demand for Punjabi Speaking State was only a cover and the Sikhs intended to achieve autonomy to safeguard their identity which was being threatened. Master Tara Singh in his interview with the Chief Minister of Punjab, frankly told him: "I want the position of the Sikhs to be protected."

The Commission made its report two years later rejecting the demand for Punjabi Speaking State with the following observation :

"While other demands for separation from existing composite states have had the backing of our overwhelming majority of the people of the language group seeking such separation, the demand for a Punjabi Speaking State is strongly opposed by large sections of people speaking the Punjabi language and residing in the areas proposed to be constituted into a Punjabi Speaking State. The problem, therefore, is *sui generis*. It has to be examined against its own peculiar background."⁹

Master Tara Singh denounced the report as a "decree of Sikh annihilation". He said that if there had been no Sikhs, Punjabi would have been given a State of its own like the other major languages recognised by the Indian Constitution; the refusal to concede a Punjabi State was, therefore, tantamount to discrimination against the Sikhs. He threatened to start a passive resistance movement. Chief Minister Bhim Sain Sachar invited Master Tara Singh for talks on 21/1/1955. During the talks Master Tara Singh frankly told him that he wanted for Sikhs an honourable existence in India. After the meeting Sachar played upon certain words of Master

Tara Singh said out of context. He said that Master Tara Singh wants a Sikh State.

On 6th April, 1955, the District Magistrate, Amritsar promulgated a ban on raising slogans in favour of Punjabi Suba. Akali Dal called it an encroachment upon civil rights and launched a disobedience movement w.e.f. 10th May, 1955 when Master Tara Singh alongwith ten others courted arrest by defying the ban. The movement gained momentum and number of volunteers courting arrest increased everyday. The movement reached its peak in July 1955 and a large number of volunteers poured into Golden Temple Complex from where the agitation was being conducted. The authorities also became more stringent and repressive, and the Golden Temple was cordoned off by the police. The ingress of people from outside Amritsar was stopped. Resentment amongst the Sikh masses increased as the news went round that the Government had banned even the pilgrimage to the Golden Temple.

On 4th July, 1955 at night, police entered Golden Temple, closed the Guru Ka Langar (free kitchen) by removing the utensils etc. and locked its door. All supplies to Golden Temple were cut off. All pilgrims staying in the rest houses of the shrine were also arrested. Sikhs sleeping on the roofs of Akali Dal Office, S.G.P.C. Office etc. were also taken in custody. Police occupied Manji Sahib from where volunteers were sent everyday for courting arrest. Police also fired a few shots in the air and tear gas shells were also thrown towards Golden Temple some of which fell in the sacred tank. S. Hukam Singh who alongwith Bawa Harkishan Singh was organising the movement from Golden Complex was also taken in custody.¹⁰ As the news spread tension in the city prevailed. The troops went on a flag march through the bazars and the streets in the vicinity of the Golden Temple to overawe the masses. But it produced the opposite effect and many fresh volunteers managed to reach Golden Temple to court arrest and keep the agitation going. Seeing the popular mood of the Sikh masses, Punjab Government lifted the ban on slogans on 12th July, 1955. Master Tara Singh who had been convicted for defying prohibitory orders and sentenced to 4 months imprisonment was also released on 8th September, 1955 as his

sentence was reduced to already undergone. On 20th September 1955, Masterji was re-elected President of S.G.P.C., which re-affirmed his popularity amongst masses.

Sacrilege of Golden Temple even spread disaffection in the army and sensing the hostile mood of The Sikhs, the Chief Minister Bhim Sain Sachar appeared at Akal Takht and offered his apology before the congregation. This he had to do because Master Tara Singh had declared on 20th September, 1955 that unless this was done Sikh resentment will continue.

Bhim Sain Sachar faced severe criticism from Congressmen for apologising on the ground that instead of taming the Akalis, he had pampered them. Sachar resigned and Partap Singh Kairon succeeded him in January, 1956. On 11th February 1956, Master lead a procession of 50 lakh Sikhs at Amritsar. Jawahar Lal Nehru invited Master Tara Singh for talks on Punjab problem in the light of his demand for reorganisation of the State on linguistic basis. Master Tara Singh alongwith Principal Jodh Singh, S. Gian Singh Rarewala, S. Hukam Singh, Giani Kartar Singh and Bawa Harkishan Singh met Nehru and on 22nd January, 1956, a compromise formula known as Regional Formula was evolved. Punjab and Pepsu merged were divided into two linguistic regions namely Punjabi Region and Hindi Region. The State stood already demarcated into two regions by the operation of the Sachar Formula on the medium of instruction in Punjab and of the Pepsu Formula in Pepsu. The representatives of the two regions in the enlarged Punjab Assembly were to meet both jointly and separately as Regional Committees for Punjabi and Hindi areas. The Regional Committees were assigned 14 subjects on which they could initiate legislative proposals for the joint consideration. The Regional Committees could make proposals to the State Government for legislation w.r.t. questions of general policy not involving any financial commitments which were to be normally accepted by the other. The regional language of each region was declared as the official language. With a view to promote development of the two languages—Hindi and Punjabi—it recommended establishment of the two separate departments. Sachar Formula was to operate in existing Punjab while in the erstwhile Pepsu State, the Pepsu Formula was to continue.¹¹

Regional Plan was accepted by the Akalis at their meeting of 30th September, 1956 by passing a detailed resolution the relevant part of which reads :

“There was no doubt that the Formula fell short of the Sikh demand, but the Akali Dal accepted it in the larger interests of the country, in the hope that with goodwill and mutual accord, this might afford the protection that we had been asking for all these years.”¹²

Akalis were compelled to pay a heavy price even for achieving these small safeguards for the Sikhs. One of the terms of the compromise was that henceforth Akali Dal, the political arm of the Sikh people, will cease to be a political party and confine its activities to cultural and religious spheres. Accordingly, Akali Dal further declared through the aforesaid resolution.

“It is, therefore, resolved that :

- (i) The Akali Dal would not have any separate political programme of its own.
- (ii) The Dal would concentrate on the protection and promotion of religious, educational, cultural, social and economic interests of the Panth, and would guard against any violation and infringement of fundamental rights guaranteed by the Constitution that adversely hit the Sikhs.
- (iii) The Dal would actively participate in the Formula, and in the implementation of various plans for the development of the country.”

Hindus of Punjab formed a Hindi Raksha Samiti (Save Hindi Committee) to oppose the Regional Formula which according to them contained the seeds of a second partition of Punjab. The Samiti rejected the Sachar Formula and demanded its replacement by a more acceptable new language policy. It wanted free choice for parents to choose medium of instructions for their children and acceptance of Devanagiri script for writing Punjabi. The agitation was lead by Arya Samaj which had a strong hold on the Hindus of Punjab and has been well known for anti-Sikh propagation. The founder of Arya Samaj

Swami Daya Nand in his book 'Satyarth Parkash' had criticised and ridiculed on the Sikh Gurus and their teachings and as a result S.G.P.C. *vide* its resolution dated 28.11.1948 had called upon Arya Samajists not to publish these last four chapters of their book in future in the interest of communal harmony. But the Arya Samajists did not heed to this request and ever since then the Hindu-Sikh relations continued to be strained.

The Arya Samajists had a large number of educational institutions under their management and control. They had never reconciled to Sachar Formula or Pepsu Formula. They decided to defeat the Regional scheme totally and organised themselves under a new organisation "Hindi Raksha Samiti" to mobilise a mass agitation. Swami Atma Nand, an octoganarian Sannyasi was appointed dictator of the movement who sat on an indefinite Dharna at the Secretariat at Chandigarh on 30th April 1957 and thus the agitation was launched. The main demand of the Hindi Raksha Samiti was that there should be no compulsion for the teaching of two languages and the medium of instruction should be left entirely to the choice of the parents. All the Government notifications at the district level and below should be bilingual. That applications should be allowed to be submitted in any language and the reply should be in the same language. The office record at the district level and below should be in both scripts.

The demands clearly impinged upon the unilingual character of the Punjabi Region even to the District level in all official, educational and administrative sphere.¹³

The movement soon raised its head in other towns of Punjab and some communal Hindus showered abusive language on the Sikhs. Soon, this agitation vitiated the air of the Punjab.¹⁴ The movement had hardly been going on for some time, when Government conceded that all the Government notifications at the district level and below would be bilingual; that applications would be allowed to be submitted in either of the two languages, and replies would be given in the same languages; and the records upto the district level would be maintained in both the scripts. Nehru also announced that the matter essentially was an educational in regard to the compulsion for

teaching either of the two languages to be decided in consultation with the educationists.¹⁵

However, the agitation of the Arya Smajists widened the gulf between Hindus and Sikhs because during the agitation most abusive and offensive slogans against the Sikhs were raised. In the first week of July 1957, several cigarette cases were thrown into the sacred tank of Golden Temple, Amritsar. On 1st August, 1957, pages of Guru Granth Sahib were torn and scattered on the road leading from chowk Lachhmansar to Chatiwind Gate, Amritsar. On 10th August, 1955, a packet of cigarettes was found thrown in Gurdwara Sikh Sewak Jatha, Patiala and a similar incident also took place in Gurdwara Singh Sabha, Hissar on 13th September, 1957. Again on 24th December, 1957, a tobacco packet was thrown in the sacred tank of Golden Temple and poster contained therein talked of threats to the Sikh people. In processions at Ambala and Yamuna Nagar the following slogans had been constantly raised :

“Ura Aira Nahin Parhenge
Gandi Bhasha Nahin Parhenge”

i.e. we shall not read alphabet of (Punjabi), a filthy language.

At Jagadhri, Sohan Lal Tiwari, a Hindu leader said at a meeting :

“If the Sikhs wish to live here, they shall have to shave off and take Hindu apperance.”

At Patiala Swami Rameshwaranand gave the slogan to Hindu communalists :

“Kainchi Ustra Karo Tiar”
i.e. Get ready scissors and razers.¹⁶

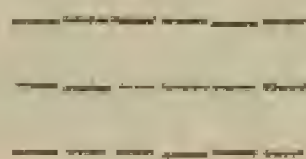
Shiromni Akali Dal Working Committee at its meeting held on 8th September, 1957 under the presidentship of Master Tara Singh reviewed the situation arising out of Hindu agitation and observed :

“The Hindi agitation is not only most unreasonable and vulgar, but is being also carried on by violent, abusive and

insulting methods. Most provoking, insulting and sacriligious speeches were delivered by the leaders of this agitation. Swami Atma Nand, the leader of the so-called Satyagrah (which should better be called hooliganism) himself did not hesitate to held out a threat of march to Gurdwaras by the Arya Samajist youngmen if Congress youths sat Dharna in front of Arya Samaj Mandir. Almost simultaneously with this threat, attacks upon our religion started. Cigarette boxes were thrown in the sacred tanks of Amritsar. Sacred Keshas of Sikhs were shaven, when they were asleep. Leaves of sacred books were scattered in the bazars. Gurdwaras were attacked and desecrated. The Sikhs bore all these insults and humiliation in the hope that the Government responsible for law and order of the State will move in the matter. But the Government did nothing till the Sikhs giving up hopes of protection by the police and the Government began to move and organise themselves for self-protection.

It appears these hooligans of Hindi Raksha Samiti relied upon the sympathy of some influential gentlemen for such violence, hooliganism and sacriligious acts were never tolerated before by any Government. The Government instead of putting down this hooliganism, took some steps which encouraged it. In line with this short-sighted policy of bowing down before hooliganism, Dr. Gopi Chand also is adopting methods which surely in time, this will certainly prove forerunner of chaos.

The Shiromni Akali Dal, therefore, calls upon Government to give up this policy of encouraging hooliganism by yielding to it, or trying to placate it.



The Shiromni Akali Dal warns the Khalsa Panth of the most grave situation apt to develop from the activities of Dr. Gopi Chand. There is no doubt that the scope of this grim struggle is not merely language issue. It is the question of prestige with the Arya Samajists and life and death for us. If we bow down before this hooliganism which included worst sorts of insults and humiliations

showered upon us, upon our religion and upon our sacred places: we are doomed. Woe be to the Sikh who fails to risk his all for the protection of the Panth if such exigency arises. Let every Sikh gird up his loins and remain prepared to meet the dangerous situation which may develop."

Meanwhile, some secret understanding had been arrived at between the Government and the leaders of the Hindi Rakhsha Samiti to wreck the Regional Formula. The Hindi agitation suited the Chief Minister who himself was not overenthusiastic about implenting the regional formula which, for all its inadequacies, constituted a serious derogation from his powers. It provided him with a pretext for delaying implementation.¹⁷ The Hindi agitation was withdrawn on 23rd December, 1957.

The Governor on the advise of the Chief Minister appointed a Sidh Bhawna Committee of Jai Chander Vidyalkar and Bhai Jodh Singh whose terms of reference read as under :

"To tour the State, to meet important persons and to sound public opinion for promoting good relations between the communities and to devise ways and means to bring about normalcy in the State."

The terms of reference of this Committee made no mention of language problem but the terms of reference were purposely by-passed by the committee and its report contained not even a single measure to promote good relations between the communities except the new proposal regarding language problem.

One of its members Mr. Jai Chand Vidyalkar, who as Chairman of All-India Hindi Sahitya Sammelan, on 28th October 1956 had publically proposed that there should be option to write Punjabi in the Devnagri script also. The other members of the Committee Bhai Jodh Singh had also made a similar proposal in the Punjab University Senate. Thus members of this goodwill committee were purposely selected from amongst those who could recommend change of script from Gurmukhi to Nagri for the Punjabi language. Regional plan had provided that Punjabi will be the official language of Punjabi region. But Sidh Bhawna Committee took upon itself

the function of a language committee and it made recommendations incorporating fundamental changes in the language settlement envisaged under the Regional Formula.

The report of this Sidh Bhawna Committee (Goodwill Committee) was strongly resented by the Sikhs who felt that there were no grounds for appointing this committee as it was clearly laid down in the Regional Formula that any change in the existing arrangements can be made only with the consent of the parties concerned. The Sikh religion, its traditions and its culture are deeply linked with Punjabi and its script Gurmukhi and all attempts to change its script were looked with suspicion and hostility by the Sikhs. They considered it as an attack on their religious and cultural identity. To some extent they were justified in their apprehensions because even Pandit Jawahar Lal Nehru had expressed the view :

“A change in script is very vital change for any language with a rich past, for script is most intimate part of its literature. Change the script and different word pictures arise, different sounds and different ideas. An almost insurmountable barrier is put up between the old and the new literature and the former becomes almost a foreign language that is dead. It would be a cruel vivisection to force such a change and it would retard the progress in popular education.”

Again, Punjab Government constituted in 1960, a 26 *Member Language Committee* under the chairmanship of the State Governor, Mr. Gadgil, to suggest a solution to the language tangle. As this committee was also appointed under threats from Save Hindi Agitators, the Sikhs gained the impression that this committee too was constituted to recommend two scripts for the Punjabi language, and thereby torpedo the Sachar Formula and Regional Formula which allowed Panjabi to be written only in Gurmukhi script.

In March 1960, a general meeting of the S.G.P.C. adopted a resolution to boycott this 20 Member Language Committee. “The only solution of the linguistic trouble of Punjab,” reads the resolution, “is to bifurcate Punjab on the basis of Panjabi and Hindi.”

On 10th May, Master Tara Singh declared to start a do or die struggle for achieving Panjabi Suba, from Manji Sahib

Gurdwara, Amritsar. He called a meeting of District Jathedars to plan an agitation. He then called a Punjabi Suba convention for 22nd May, 1960 which was very largely attended. The venue of the convention was near Gurdwara '*Bibek Sar*' and it was presided over by Pandit Sunder Lal M.P., Dr. Saifud-din Kitchlu of martial law fame also attended. Convention called upon government of India not to delay any more the formation of Punjabi Suba on linguistic basis as its formation was inevitable. The participation in this convention of Muslim leaders from Delhi which included Dr. Kitchlu was projected by Darbara Singh, then President of the Punjab Pradesh Congress Committee, as a conspiracy of Master Tara Singh with Pakistan to create tension in the border State of Punjab. After the leaders had left, Punjab Government started arresting Akalis on the night of 23rd May. Master Tara Singh was also arrested and detained at Dharmshala (Kangra). About five hundred preventive arrests were made but some top leaders like Sant Fateh Singh, S. Harcharan Singh Hudiara, S. Jiwan Singh Umrangal escaped and reached Golden Temple Amritsar.

Akali leadership from within the Golden Temple announced that a Jatha of eleven Sikhs lead by Principal Iqbal Singh will march for Delhi from Akal Takht Amritsar where a procession would be taken out on 13th June, 1960 to demonstrate popular Sikh support for Punjabi Suba. The Jatha was to address congregations on the way to build public opinion in support of this movement. The Jatha started from Akal Takht as per schedule but its members were arrested at a distance of few miles from Amritsar near Gurdwara Sangrana Sahib on Amritsar-Tarn Taran road.

Akali leadership announced, therefore, that a Jatha of eleven Sikhs will march everyday from 30th May, 1960, onward to court arrest and procession in Delhi will be taken out on 12th June from Gurdwara Sis Ganj. Government with a view to stop publicity of the Akali agitation even sealed the offices and press of the pro-Akali newspapers '*Parbhat*' (urdu) and Akali (Punjabi) and arrested the staff of these papers. But when the All India Journalist Association protested against this attack on the freedom of the press, the staff members of these papers were released and the newspapers were allowed to resume their publication. Jathas of

eleven Sikhs courted arrest everyday by marching from Amritsar to Delhi. Thus a battle for Punjabi Suba began with determined support of the Sikh masses to compel the government of India to remove discrimination against the Sikhs by forming Punjabi Suba on the well recognised principle of linguistic reorganisation.

Delhi administration banned taking out of processions on 9th June 1960 and sealed the border of Delhi with other states to stop Sikhs from reaching Delhi to take part in the procession. Delhi Sikhs held a congregation at Gandhi Ground near Gurdwara Sis Ganj Delhi but police disrupted it by seizing the loudspeakers on the morning of 12th June. Meanwhile, thousands of Sikhs collected outside Gurdwara Sis Ganj and lead by a Jatha of 11 volunteers marched in a procession towards the nearby Town Hall. Police in order to disperse them lathi charged and threw tear gas shells. Akalis accused the police of brutal beatings leading to seven deaths, almost a thousand injured and more than a thousand arrests. Official version however placed casualties at one dead, about 100 injured among the crowd and seventy five policemen injured. Authorities even refused to hand over the body of the person killed to the organizers of the procession or his relatives. Even the name and address of the person killed was not disclosed. The Sikhs were hounded out everywhere and even the spectators or casual passers-by were not spared.¹⁸ However, the rumour-millworked with full speed and as later on Sant Fateh Singh complained to Lal Bahadur Shastri in their meeting on 7th August, 1965 :

“What violence and cruelty was meted out to the Sikh procession on the 12th June, 1960, you know very well. As far as we were told, truck loads of dead bodies of Sikhs were thrown into the Jumna River.”¹⁹

Even Congressite Sikhs condemned the police excesses and Panth Sewak Dal formed by Giani Kartar Singh to oppose Master Tara Singh during S.G.P.C. elections condemned the police violence and brutal beatings. Akalis opened a second front of their agitation at Delhi and a batch of volunteers started offering itself for arrest everyday at Delhi.

Government promulgated two ordinances to crush the agitation which had gained a new momentum. First ordinance made it impossible for newspapers to discuss the pros and cons of the issue on which the Akali agitation was centred except on pain of severe penalties. The second ordinance provided severe penalties against those who were evading arrests and also against those who gave them shelter or help.²⁰

In the independence day speech of 1960, Jawahar Lal Nehru referred to Akali agitation as a stage tamasha but exhorted Punjabis to learn both Hindi and Punjabi. Partap Singh Kairon, through his speeches described demand for Punjabi Suba as a camouflage for Sikh State.

But while Punjab Government continued telling the people that the Akali agitation is in its last gasp but there seemed no signs of its dying down. The government's own actions belied its claims. The *Statesman* Calcutta in its issue dated 21st July, 1960 warned the government "Eighteen thousand people in jails means a big drain on the state's exchequer and a big loss of productive labour to the State's economy. Nor does it mean present loss alone. Throttling of popular sentiment may generate explosive heat, which once it bursts can lay waste whole tracts. *The Times of India* in its issue dated 22nd July, 1960 editorially asserted "The truth is that the situation in the State is far more serious than the government makes it out to be."

To deprive the agitation of its popular support Punjab Governor promulgated an ordinance declaring Punjabi as the official language of the State at district level with effect from 2nd October, 1960.

Further, Punjab Government appointed Commission headed by Maharaja of Patiala and Bhai Jodh Singh, S. Hukam Singh, Mr. Diwan Chand Sharma, Mr. P.S. Gill, Mr. Anup Singh, Dr. A.C. Joshi, Mr. Hardwari Lal, S.B. Ujjal Singh, Mr. H.S. Malik, Bawa Harkishan Singh, Dr. Jaswant Singh, Dr. Harbans Singh as members to recommend steps for the establishment of a Punjabi University.

Hindu organisations also started feeling the strong sense of alienation developing amongst Sikhs on account of Hindus denial of their mother tongue Punjabi. Sanatan Dharm Pritinidhi Sabha Punjab issued instructions to all its affiliated

educational institutions in the Punjab to introduce Punjabi in Gurmukhi script and Hindi in Devagari script.²¹

Similarly Mr. Ranbir, Chief Editor of a Urdu Daily 'Milap' on 21st August, 1960 speaking at a Punjabi convention in Delhi exhorted Hindus not to disown Punjabi as their mother tongue as it provided an excuse to the Akalis to demand Punjabi Suba. "One who, in reality, speaks Punjabi and heard lullaby in Punjabi from his mother, and yet disowns his mother tongue is in fact a traitor to his mother."²²

But Punjabi Hindu was bent upon opposing Punjabi and all steps for its promotion. Punjab Ekta Samiti, an organisation of rabid Hindu communalists of Punjab, observed 23rd september, 1960 as a protest day against the decision of the Punjab Government to establish Punjabi University and adoption of Punjabi in Gurmukhi script in administration upto district level.²³ To encourage these rabid communalists, Shri Sanjiva Reddy, Congress President, earlier remarked publically that every village in Punjab was bilingual. His remarks were strongly resented by Sikh organisations including S.G.P.C. and Chief Khalsa Dewan. The two institutions described these remarks as "nothing but traversity of facts."²⁴

Seeing the increasing number of volunteers offering to go to jails, government started dumping its own men in the packed jails with the ulterior object of launching disinformation campaign to demoralise the Akali inmates. There was a spate of releases following unconditional apologies.²⁵ Akali volunteers were prevailed upon by jail officials to thumb mark papers rendering apology on the misrepresentation that the thumb marks were being obtained for a railway pass to be issued to the released prisoners. On learning about this fraud the Akali prisoners started demanding a note that their release was unconditional.

Due to overcrowding and lack of basic amenities in Bhatinda Special Jail, tension started building up in the first week of October 1960. On 9th October 1960, the jail authorities were going to release 246 Akali volunteers and they were being asked to sign/thumb mark certain papers. When the turn of Jaswant Singh of village Kot Dasaundi Mal came, he shouted that signatures were being obtained on papers not for railway passes but for rendering apology. At this released prisoners

refused to go out. Police surrounded the jail and resorted to firing allegedly to control the violent mob of Akali prisoners. Jaswant Singh was first to be shot dead. Three others namely S. Chanchal Singh of Sultan Vind, Amritsar, Nazar Singh of Kairon Wal and Ranjit Singh of Sarong Talwandi also died of police firing inside jail.²⁶ About fifty persons were reported injured.

This incident created a stir in the community. A deputation of lawyers, including a Congress M.L.A. and former minister, S. Harcharan Singh was refused permission to visit the jail. Local Akalis sent telegrams to the Prime Minister and the Governor of Punjab alleging 'unprovoked' police firing and demanding a judicial enquiry. The Punjab Government ordered a judicial enquiry by Mr. Justice Falshaw but the Shiromni Akali Dal boycotted the enquiry as it asserted that the Punjab Government had deliberately planned violence upon unarmed and helpless prisoners through its most irresponsible officials like Chowdhry Ram Singh D.I.G. whom the High Court in the Karnal Tripple murder case had described as 'a man with an ugly face, ugly mind and ugly action.' Akali Dal laid down the condition for participation in the enquiry that the officials involved in the incident be removed from the post and the enquiry be held by a Supreme Court Judge.²⁷

On 10th October, 1960, a procession of about 250 Sikhs, which started from Gurdwara Dukhniwaran, Patiala to protest against firing at Bhatinda was cardoned by the police and then fired at resulting in the death of two persons namely Sant Dewan Singh and Sardar Hari Singh.

These repressive measures of the government added to Sikh's sense of alienation. Mr. Ashok Mehta, Chairman of the Praja Socialist Party, in a statement on October 30, 1960 warned the Central government that an explosive situation was likely to develop in Punjab if efforts are not made to find a peaceful solution of the Akali demand for Punjabi Suba. A few days earlier, Mr. Prem Bhatia, Editor of the *Times of India*, expressed same view under the heading "Disbelief in Firmness."

Praja Socialist Party in October 1960 also appointed an Enquiry Committee to tour Punjab and to report on the situation in Punjab. The Enquiry Committee of P.S.P. reported that

the government had let loose a reign of terror and was suppressing civil liberties.²⁸

Swatantra Party of India, also appointed a Commission of Enquiry consisting of Shri K.M. Munshi, Mr. N.C. Chatterjee, Mr. N.C. Aggarwala and Sardar Kartar Singh Campbelpuri. The enquiry commission reported unanimously that the measures adopted by the Punjab Government to deal with Akali agitation were unduly harsh but it also asserted that the Gurdwaras as bases of agitation by the Akalis was unjustified and lent communal colour to the demand for Punjabi Suba. Interestingly the only Sikh member of this enquiry commission, Sardar Kartar Singh Campbelpuri, a retired judge of the Pepsu High Court, dissented with the views of the other members on the use of Gurdwaras for political purposes. In his note of dissent Sardar Campbelpuri asserted that Sikhism in sooth is not only spiritual philosophy, but is a pragmatic and congregational religion and almost all the historical gurdwaras are surrounded by aura of politics. Sardar Campbelpuri expressed the view that at critical times when Sikhs are terrorised and muzzled to raise their voice in Press and public for ventilating their grievances with regard to their religion or other legitimate rights provided under the constitution, it is only just that they should canvass the cultural-cum-political issues truthfully from the gurdwara precincts. Discussing the legal aspect of the problem, Mr. Campbelpuri held : It is noteworthy that Punjabi language, which is recognised by the Constitution and the way of life of Punjab as compared with other states, fall within the purview of Article 29, and as such, any agitation by any section of citizens on the basis of language and culture is manifestly a legitimate and constitutional right. It follows that the use of gurdwaras for this purpose cannot be said to be inappropriate.²⁹

Repression created resentment and demand for Punjabi Suba gained more and more support from various sections particularly that of the Sikhs. A large number of Sikh saints held a Sant Samagam at Manji Sahib Gurdwara, Amritsar on 7th August 1960, and unanimously passed a resolution condemning the repressive measures of the Punjab Government and assuring their support in the community's struggle for Punjabi Suba.³⁰

However, the government remained unrelented in its opposition to creation of Punjabi Suba. Jawahar Lal Nehru, Prime Minister of India, in his monthly press conference at Delhi on 21st October, 1960 thumped the table with his fist and declared, "We shall not have any Punjabi Suba. It is a communal demand and would be stoutly resisted."³¹

Again on 17th November, 1960 when Jawahar Lal Nehru was speaking at the opening ceremony of the Agricultural University at Rudrapur, near Nainital, some Sikhs interrupted his speech by shouting Punjabi Suba Zindabad. Nehru lost his temper, called the Sikhs as fools and said that the Punjabi Suba has been left in Pakistan and taunted "go to your Punjabi Suba. Why are you here."

Such indiscreet utterances by the Prime Minister of India set up strong resentment amongst the Sikhs. *Sikh Review* commented, "It is regrettable to interrupt any one's speech out of place, but it is strange and all the more regrettable that a Prime Minister should come down to the level of the very persons whom he rebuked not only with undignified appellations but by hurting the feelings of the Sikh race as a whole by taunting them."³² The Executive Committee of the Chief Khalsa Diwan, Amritsar, on 24th November, 1960 passed a resolution expressing pain at the abuses Shri Nehru, the Prime Minister of India, hurled at the Sikhs who shouted Punjabi Suba slogans at Rudrapur. "These words of his" says the resolution, "have been like the sprinkling of salt on the wounded feelings of the Sikhs, who are already smarting under pain. For a personlity like the Prime Minister of India who commands so much respect in national and international spheres, it is hardly becoming to lose his temper and to speak in such abusive language to his own countrymen who are in no way less patriotic than anybody else and who have a right to make a constitutional demand for a unilingual state within the Indian Republic."³³

Pandit Nehru's image of a secular national leader suffered a gerat set back particularly amongst the Sikhs whose leadership already didn't hold him in high esteem. S. Hukam, Singh, who later became Speaker of Lok Sabha, had once asserted "Pandit Nehru is, to say the least, the spearhead of militant Hindu chauvinism who glibly talks about nationalism, a tyrant

who eulogises democracy and a goblin liar—in short a political cheat, deceiver and double dealer in the service of Indian reaction”.³⁴

On 29th October, 1960, Sant Fateh Singh wrote a letter to Pandit Jawahar Lal Nehru wherein he complained that Pandit Nehru's statement that there will no Punjabi Suba within Indian Union was highly regrettable and painful because this statement closes all doors of justice and persuasion for the supporters of Punjabi Speaking State. “Your statement has brought the things to a level that I am left with no alternative but to resort to fast unto death to prick your conscience” wrote Sant Fateh Singh. He in his letter listed the instances of discrimination and injustice against the Sikhs and declared that he would fix a date for his fast unto death after hearing from the Prime Minister after ten days. Jawahar Lal Nehru did not reply to Sant's letter and, therefore, Santji announced his decision to fast unto death w.e.f. December 18, 1960 by writing a second letter to Pandit Jawahar Lal Nehru wherein he asserted :

“In view of the happenings, and because of the great lawlessness committed by the Government in opposing the constitutional and peaceful Punjabi Suba movement, I feel that the time has come, when my country has failed in a democratic and constitutional way, and that it should be saved from being shaken ; and that dictatorial methods of governing the country should be stemmed by self immolation. The dictate of my conscience is, that following the methods of great Guru, I should lay down my life for this noble cause. I have, therefore, decided to fast unto death to move the Prime Minister and the Government of India to reason and accede to the principle of constitutional and legitimate demand of creating a unilingual Punjabi Suba purely on a linguistic basis like all other linguistic states, and give up brutal methods of opposing the constitutional and peaceful movement as has been resorted to by the Government in the present case.”³⁵

With this announcement of Sant Fateh Singh to fast unto death, “passions rose high and there was fear that if the Sant died (which was very likely) there would be bloodshed in the

State (which was unlikely) or atleast the majority of the Sikhs would be permanently estranged from the government.³⁶

Akali agitation was going on unabated and more than 50,000 Sikhs had been sent to jail under most humiliating conditions. Mr. Justice Falshaw who had held official enquiry into Bhatinda jail episode had reported in his report :

“The prison contained almost four times the authorised number of prisoners and naturally, administration e.g. food, clothing and sanitary arrangements could not but be hopelessly inadequate and incomplete chaos. ‘Blitz’ has called it a “Black Hole of the Punjab.”³⁷

Prime Minister however, ruled out possibility of any negotiations and compromise and declared that Sant could go on fast. Sant Fateh Singh started his fast exactly at 9.00 a.m. on 18th December, 1960, in the presence of huge crowd at Manji Sahib, Amritsar. Sant Fateh Singh proclaimed, “Only martyrdom will fructify this life. I hereby announce my will that my dead body may not be consigned to flames and should instead be drifted in the flowing waters.”³⁸ Jiwan Singh Umranangal, Pritam Singh Sharinh etc. ten Akalis also announced their decision to fast unto death after Sant Fateh Singh.

Jawahar Lal Nehru’s opposition also became somewhat mild and he declared at Chandigarh on 20th December, 1960 that “Punjabi is the main language of Punjab and it should be promoted in every way.”

Giani Gurmukh Singh Musafir, an aged Congress Sikh leader, who played the role of a mediator at this crucial moment later recalled the events as below :

“When the Akali agitation was at its climax, Sardar Ajit Singh Sarhadi (Akali M.P.) and Sardar Sarup Singh approached me to enquire whether there can be any negotiations for a compromise. I told them that there seems to be none. Personally I was not in favour of this agitation but I was also against the repressive methods adopted by the Government. Master Tara Singh was in jail and Sant Fateh Singh was incharge of the agitation. Sant had announced his decision to fast unto death without consulting Master Tara Singh. It is a reality that Government was

forced to think at that time that Sant being a religious man will stake his life.

I thought it appropriate to meet Pandit Jawahar Lal Nehru in this connection. On meeting him I told Jawahar Lal Nehru :

"I learn that Sant Fateh Singh's condition is deteriorating."

"So what", replied Nehru and stood up from his chair. I also did the same. While standing Nehru said, "To fast is his mistake."

"Whoever may be wrong", I replied, "if he dies his supporters will propagate that there is no difference between the Nehru Government and the Mughal Government."

At this Nehru felt a little offended and said, "What is your view". He did not wait for my reply and said after sitting in a chair, "Why don't you go to Amritsar."

I also sat down and replied, "I don't mind. But if I go the impression created will be that I have been sent by Pandit Ji."

"Yes ! That is right." After saying this Nehru started thinking and then added, "Does not matter. We are to save the life of a person. Go ahead. You must go." He came up to door to see me off :

When I was about to get out, he again got hold of me by my arm and took me inside the room and said, "To-day the Congressmen of Delhi have fixed a public meeting. I am going to speak there and I will refer to this subject as well. May be you get something useful to prevail upon Sant Fateh Singh."

"Right." I said and came back.³⁹

On December 23, 1960 Pandit Jawahar Lal Nehru addressing the public meeting at Delhi made a personal appeal to Sant Fateh Singh to give up his fast and invited him for talks at Delhi. Sarup Singh and Ajit Singh returned to Amritsar and briefed a closed door meeting of the Akali Dal which after deliberations rejected the appeal of Pandit Jawahar Lal as "unsatisfactory, self-contradictory and based on ignorance."

Sant Fateh Singh, however, showed conciliatory attitude and declared "I firmly grasp the hand of friendship and goodwill extended by Mr. Nehru. I am prepared to go and discuss the matter arising out of the Punjabi Suba agitation, if he paves the way for it."

Intermediaries became active and Nehru was persuaded to make a gesture to the fasting Sant, which he did. This was his statement to the effect that Punjabi was the language of entire Punjab with the exception of a few areas.⁴⁰ Principal Niranjan Singh, younger brother of Master Tara Singh and Dr. Gopal Singh approached Sh. J.P. Naryan to act as mediator.⁴¹ J.P. met Master Tara Singh in the Dharamshala Jail and, thereafter, met Nehru. As a result of his intercession the Master was released on 4th January, 1961. Following his release Master Tara Singh after a brief stopover at Amritsar and Delhi, flew to Bhavnagar where Jawahar Lal Nehru had gone to attend Congress session. There was a meeting between Master Tara Singh and Pandit Jawahar Lal Nehru but what transpired at the meeting was not made public. Later on however, Nehru told Sant Fateh Singh on 1st March, 1961 that Masterji had told him that he wanted that the State for the protection of his Panth and that language was only the secondary issue. However, S. Harbans Singh Gujral who alongwith Lachhman Singh Gill was present at the meeting immediately contradicted Nehru by reminding him that what Master Tara Singh had said at Bhavnagar was that the opposition to this linguistic demand being made unreasonably on communal lines, he felt that it was an attack on his Dharam and that to defend it was his Dharam. Hence the demand was not on communal basis but the opposition thereto was communal.

Nehru-Tara Singh talks at Bhavnagar seemed to be a failure but as soon as Master Tara Singh landed back disappointed in Delhi, Nehru had in his speech at Sardar Nagar declared :—

"It is not out of any discrimination against Punjab or distrust of the Sikhs that the process of forming a linguistic State was not possible after applying it elsewhere. I can not accept the proposal that I should accept the principle of formation of a purely linguistic State. So far as Punjab

is concerned, I am convinced that in the case of its division it will be very harmful to Punjab, to the Sikhs as well as the Hindus, and to the whole of India. One of the leading and progressing States will fall back and get entangled in new problems,.....I have already stated in my Delhi speech on 31st December, 1960 what our views are about the Punjabi Suba and the Punjabi language. It is true that some persons of Punjab speak Hindi, but essentially Punjabi is the dominant language and should be encouraged in every way. Now I add one word to this because Master Tara Singh mentioned it to me about Sant Fateh Singh's having an oath and he should not be asked to break it. I do not like any person to break a solemn oath but I am convinced that what I have said in my Delhi speech, and what I am saying today, and the facts that I have placed before the country with regard to the Punjabi language, clearly meets the substance of what Sant Fateh Singh has said. Oaths are not taken w.r.t. some legal aspect or statutory ways of looking at things. And, therefore, what I have stated should be quite enough for Sant Fateh Singh to meet this difficulty and give up his fast.⁴²

There was no fresh assurance in Nehru's speech nor there was any hint that government will agree to creation of Punjabi Suba. Akalis could at the most derive consolation that government had conceded Punjabi as dominant language of Punjab in spite of opposition from Hindus. But Master Tara Singh felt satisfied and sent a telegram to Sant Fateh Singh at Amritsar from Delhi which reads "I am satisfied with to-day's speech of the Prime Minister at Sardar Nagar. Request (you) to break your fast. It fulfils the requirements of (your) Vow".

By releasing Master Tara Singh at a critical juncture in Sant Fateh Singh's life, the Prime Minister Nehru with the masterly stroke of a seasoned politician, had put Master Tara Singh in a very awkward position. The ball was in Master's court. A section of Sikhs wanted Master Tara Singh to save Sant Fateh Singh's life at all cost. They criticized his delay in Delhi and blamed him for dilly-dallying for the purpose of

bringing about the death of Sant Fateh Singh with the object of maintaining his undisputed leadership.

Like Master Tara Singh, Congress party was also under great pressure from its Sikh members to save the life of fasting Sant Fateh Singh. Moved by the fast-unto-death of Sant Fateh Singh, two Punjab Congress M.L.As. S. Teja Singh and S. Parkash Singh resigned from the Congress party. Sardar Baldev Singh, former Defence Minister in India's first Congress Ministry, strongly criticised Central Government and accused it of backing out of political settlement with Sikhs arrived at in the form of Regional Formula. In his statement, S. Baldev Singh asserted :

"The Regional Formula was a political settlement reached between the Sikhs and the Government nearly five years ago. Nobody cared to look at it or even gave thought as to what happened to it. It was only after the arrest of some 35,000 to 40,000 people that the question was brought home to the authorities both at the centre and in Punjab.

That the Formula has not been given effect to is quite clear from the statement made by responsible persons and the half hearted steps recently taken by the State Government to implement it.

I have always said that the Regional Formula was the best solution for political issues in Punjab. But for reasons best known to the authorities it was not given effect to.

I am surprised that Regional Formula was never implemented because its implementation was entrusted to those who from its very inception were against it. It is wrong to blame Master Tara Singh for backing out of it. There is not a single clause or line of the Regional Formula which Master Tara Singh or Sikhs had to implement. The onus of implementation lay solely on the Government.

Let those in power place their hands on their conscience and say whether they honestly tried to implement it. I am not pleading for Master Tara Singh. I feel sore about it because I am being blamed by the Sikhs for playing my humble part in bringing about the political settlement on the basis of the Regional Formula which, alas, was torpedoed.

People laugh where those very men who murdered the Regional Formula have now started shouting "Long Live Regional Formula." The Formula is dead now and it can not be revived.

I maintain with all the emphasis at my command that the Government of India backed out of this political settlement signed on its behalf by the Prime Minister, the Home Minister and the late Maulana Abul Kalam Azad.¹²⁴³

After Pandit Jawahar Lal Nehru's statement at Bhavnagar on 8th January, Sant Fateh Singh broke his fast on 9th January, 1960 at 8.30 A.M. at the asking of Master Tara Singh and on the command of 'Panj Piaras' namely Giani Chet Singh, Giani Kirpal Singh, Giani Fauja Singh, S. Bakhshish Singh and S. Mohan Singh.

However, as soon as the Sant ended his fast, a section of Sikh masses blamed Master Tara Singh for bowing to Bhavnagar and bringing the agitation to an end when its fulfilment was in sight. They contended that the sacrifice of Sant Fateh Singh was not too great a price to pay for the Punjabi Suba. A crowd hooted Master Tara Singh. At a Dewan at Manji Sabib Amritsar on the night of 11th January, 1961. Again he had to end his speech abruptly at a public meeting held on 12th January, 1961 due to disturbance. His influence on Sikh masses as their undisputed leader began to wane.

Jawahar Lal Nehru invited Sant Fateh Singh for talks on Sikh problems on 8th February, 1961. Meanwhile, conceding the demand for creation of Nagaland by the Government of India for "the protection and preservation of Naga culture" created new hope amongst the Sikhs that demand for Punjabi Suba too will be accepted on the same principles.

But at very first meeting between Nehru and Sant Fateh Singh held at Prime Minister's office on 8th February, 1961, Jawahar Lal Nehru told Sant that Master Tara Singh actually wanted a religious State wherein the Sikhs should be majority. Nehru further told Sant that he (Nehru) could not shut his eyes to the fact that a large section of Hindus would form a religious minority in the proposed Punjabi Suba who would

have to be safeguarded. He, further, frankly told Sant that further division of Punjab would be harmful to Sikhs themselves because in other Indian States psychological and sentimental barriers would be raised against them.

Sant Fateh Singh in reply told Nehru that if Sikhs could live in Kabul, America, Canada and other countries, was it not strange that they would not be able to live in their own country simply because they demanded the creation of a unilingual Punjabi-Speaking State like other linguistic states. He told Nehru that as head of the State it was his duty to stop those sentiments and not to arouse them, for every community was alike for him.⁴⁴

The second meeting between Nehru and Sant Fateh Singh was held on 1st March, 1961 and at this meeting again Nehru told Fateh Singh that Hindus in Punjabi Suba would become a minority and as they were not agreeable to this demand they would create constant opposition and difficulties in running of the new State. He further asserted that Master Tara Singh had frankly told him that he wanted the State for the protection of his Panth and that language was only a secondary issue.⁴⁵

Sant Fateh Singh replied that Hindus in Punjabi Suba would be almost equal in number with the Sikhs and even if they were in minority by 2 or 3 per cent, that could not be objectionable for such a narrow majority could not dominate over others. In the present set up the 30% minority of Sikhs has put up with 70% majority of Hindus; and that heavens would not fall in the new set-up Hindus come to be in minority by 2 or 3 per cent.

Third and last meeting took place on 12 May, 1961 and at this meeting Nehru frankly told Sant that he cannot accept the Sikh demand for linguistic bifurcation of Punjab as Hindus were bitterly opposed to it, but question of Punjabi language can be considered.⁴⁶ When S. Gurbakhsh Singh, who was assisting Sant Fateh Singh during talks, told Nehru that when the 20% majority of the Hindus could be kept as a hanging sword over the head of the Punjabi language, how there could be progress, Pandit ji angrily said that they always talked in the terms of swords. Gurbax Singh replied that he had only used an idiom.

Thus the talks between Nehru and Fateh Singh failed to resolve the Sikh problem. A meeting of the General House of the Shiromni Akali Dal held at Amritsar on 28th May, 1961, after discussing the situation found :

The Sikhs, after a summary and unilateral termination of the Sant Fateh Singh-Nehru Talks, are once again confronted with the painful truth that the ruling elite of India refuses to alter its fundamental attitude towards the Sikhs and sees no use in placing any faith in the Sikhs. It continues to base its tactics on the wind wheels of mendacious propaganda, brute force and under these circumstances, the Sikhs clearly recognise that alternative before them is either to make a supreme sacrifice, which may ensure them an honourable place and existence in their country or to submit and perish."

General House at this meeting, therefore, allowed Master Tara Singh to undertake a fast unto death to arouse the conscience of Indian citizens in particular and the world in general and to compel the ruling elite to concede the just and legitimate demand of a unilingual Punjabi Speaking State.

Master Tara Singh announced his decision to begin his fast unto death from 15th August, 1961 till the demand for Punjabi Suba is conceded.

During Nehru-Fateh Singh talks held on 1st March 1961, Nehru had said as to how could he be expected to hand over power to an irresponsible man like Master Tara Singh. He had added, as to how could he hand over power to enemies.⁴⁷ When this fact was brought to the notice of Master Tara Singh, he had issued a statement that if he was the cause of suspicion and thus for not making of Punjabi Suba, he was prepared to go out of India for a life time and retire from public life, and that in the light thereof could the Prime Minister agree to the formation of Punjabi Suba.⁴⁸ Master had also written a letter of protest to Nehru on 31-5-1961. Reply to this letter was received by Masterji on 4-6-1961. Pandit Nehru categorically denied about his having addressed the Sikhs as the enemies of the country or that he had ever

said "Kya main Taqat Dushmanon Ke Hath Men De Duon ?" *i.e.* How can I entrust the power into the hands of the enemies ?)

With the announcement of fast unto death by Master Tara Singh, Punjab government again let loose repression. It banned the publication of any material about the Punjabi language controversy or any fact concerning the agitation. Two Akali newspapers namely Prabhat (Urdu) and Jathedar (Punjabi) were banned. On 8th June, 1961, about 50 prominent Akalis including Atma Singh (leader of Panthic group in the Punjab Assembly) and Bakhshish Singh (Masterji's close relative) were arrested.

Even the educationists were not spared. Punjab government during Akali agitation of 1960 withheld the grant of rupees 46000 to Khalsa College Amritsar owing to Principal's pro-Akali activities and failure to keep the students away from some demonstrations connected with Akali agitation. The managing committee obtained the grant after assuring the government that it would remove the Principal. As a result in 1961, Principal Dr. Harbans Singh was suspended.⁴⁹

The Punjab Government on 14th August, 1961 issued a blanket order to all the newspapers of the State, banning publication of news and views relating to or connected with Punjabi Suba and allied matters, but this order was withdrawn on 18th August, 1961, when the Editors of Dailies at a meeting promised not to publish inflammatory news and views.

The Prime Minister Jawahar Lal Nehru on 10th August, 1961 wrote a letter to Master Tara Singh, appealing him not to go on fast. Akali Dal's Working Committee rejected this appeal and Sant Fateh Singh conveyed this decision to Nehru by replying to his letter.

Master Tara Singh started his fast on 15th August 1961. He made a significant statement advising Sikhs not to court arrest as the technique of the movement had been switched from mass agitation to individual martyrdom. Another significant statement was of S. Harcharan Singh Hudiara, Vice President Shiromni Akali Dal who declared that after Master Tara Singh and Sant Fateh Singh's martyrdom, the new leadership may give a call for a sovereign Punjab.⁵⁰

Meanwhile, Government decided at a strategy of widening rift between Master Tara Singh and Sant Fateh Singh. Government inspired media started building up Sant Fateh Singh as a rival to Master Tara Singh. He himself was not averse to it and in his several meetings with the Prime Minister later, whenever the question of final responsibility came up, he never mentioned even once the name of Master Tara Singh as either being his chief, or one with whom the political negotiations should be conducted or clinched.⁵¹

As a part of the same strategy Nehru invited Sant Fateh Singh for talks and he alongwith Gurnam Singh, ex-judge of Punjab High Court, met Nehru on 24th and 25th August but at the end of these meetings Sant declared that :

“There was no meeting ground. We repeatedly asked for counter proposal but no reasonable and honourable proposal was made by the Prime Minister.”⁵²

On 28th August, 1961, Prime Minister placed on the table of Indian Parliament, the correspondence between him and Master Tara Singh and declared in the House :

“The demand for a Punjabi Suba can only be considered as a communal demand even though it is given a linguistic basis. It seems to us that acceptance of the proposal, which basically was communal, would be wrong.”

However, while rejecting demand for creation of Punjabi Suba, Nehru suggested a way out of the deadlock by further adding :

“It had repeatedly been said that there was discrimination against the Sikhs though instances of this had not been pointed out. I suggested, however, that if there was any such apprehension, a high level inquiry could be made into the matter to find out if there had been any such discrimination.”⁵³

Akali Dal Working Committee however, on 30th August, 1961 rejected Nehru's offer and declared :

“.....We have studied Mr. Nehru’s speech in Parliament and note with extreme regret that a person of Mr. Nehru’s level has become a source of positive incitement against this small minority.Specifying the highest principles of secularism Mr. Nehru has thrown all principles of democratic conventions to the winds right in his own country.”⁵⁴

On 1st September, 1961, Jai Parkash Narain met Master Tara Singh but failed to persuade him to break his fast. However, after this meeting Master Tara Singh issued a statement which impliedly suggested that he was ready to accept C. Rajgopalachari, Ajoy Ghosh and Ashok Mehta as arbitrators on the issue of Punjabi Suba.

On 17th September, 1961, Jawahar Lal Nehru at a Press Conference stated that question of Punjabi Suba can’t be specifically referred to a High Powered Commission, but it will be for the commission to decide whether the issue of Punjabi Suba came within the broad terms of its reference or not.

On 18th September, 1961, S. Gurnam Singh met Home Minister Lal Bahadur Shastri but nothing concrete came out.

On 25th September, 1961, there was a meeting between Pandit Nehru and S. Gurnam Singh and Maharaja Patiala. The talks failed and Akali Dal Working Committee on 25th September, 1961 asked Maharaja Patiala to end the mediatory talks. However, the meeting made it clear that it wants Punjabi Suba purely on linguistic principles and will not mind even if Sikhs are in a minority in the reorganised Punjab.

On 29th September, 1961, Nehru appealed to Master Tara Singh to break his fast. On 30th September, 1961, Mr. Hardit Singh Malik met Jawahar Lal Nehru and there were talks of compromise around proposed High Powered Commission.

On 1st October, 1961, Master Tara Singh broke his fast after Akali Dal’s Working Committee approved the compromise. Sant Fatch Singh and Maharaja Patiala offered Masterji a glass of fruit juice mixed with honey and thus 48 days fast came to an end on 1st October, 1961 at 7 P.M.

After recovering from the effects of long fasting, Master Tara Singh reached Delhi on 28th October, 1961 and along-with Malik Hardit Singh had an interview with Nehru on 30th

October, 1961. The talks centred around the proposed High Powered Commission. Master Tara Singh told press-men after the meeting that Prime Minister was in a better mood and personnel of the Commission would be made soon.

The High Powered Commission was announced on 31st October, 1961. The government notification read :

“Various charges have been made about the discrimination against the Sikhs in Punjab. The Prime Minister announced in Parliament on August 28, 1961, that a High Power Inquiry could be made to find out if there was any discrimination. In a communique issued by the Ministry of Home Affairs on 1st October, 1961, it was stated that it was considered advisable to appoint a Commission. The Government of India had accordingly declared to appoint the Commission. The Commission will consist of Mr. S.R. Das, retired Chief Justice of India, Mr. C.P. Rama Swami Ayyer and Mr. M.C. Chhagla of whom Mr. S.R. Dass shall be the Chairman of the Commission.

The Commission will enquire into the general question of discrimination and examine any charge of discriminatory treatment of grievances of the Sikhs.

The Commission may devise its own procedure for the work, but will give an opportunity to the interests concerned to bring in their respective points of view before the Commission. The Commission will report its findings to the Government by December 31, 1961.

Master Tara Singh immediately protested against the personnel of the Commission by alleging that the name conveyed to him were not included in it. Shiromni Akali Dal on 9th Nov. 1961 also expressed surprise at the names of the Commission members and demanded amendment in accordance with the spirit shown during the course of negotiations. According to Akali Dal sources, mediators had informed Master Tara Singh that Mr. Patanjli Shastri, Mr. Rama Swami and another nominee of the Government will comprise the Enquiry Commission.

But Lal Bahadur Shastri, as Home Minister of India in his reply dated 13 November, 1961 asserted that while certain names were suggested by the mediators during negotiations

but it was made clear to them that the final choice will be of the Government.

In fact Master Tara Singh had earlier wanted as Mediator-Arbitrators men who were beyond the influence of Jawahar Lal Nehru and his government. He had proposed Mr. Jenkins, an I.C.S. man of British days and who was last Governor of undivided Punjab; E.P. Moon who was Deputy Commissioner Amritsar before partition and Major Short of the British Army in India. It was only after government had refused to consider the names of the foreigners that he had agreed to Mr. Patanjli Shastri and Mr. Ramaswami's names.

Correspondence between Akali Dal and Jawahar Lal Nehru on this subject did not yield any fruit and, therefore, Akali Dal declared that it will boycott the Commission unless the terms of its reference and names of its personnel are changed.

The mediators did not contradict either Akali Dal or the government at that crucial stage but later on 26th August 1965, Malik Hardit Singh in a letter to the editor of the national daily the *Hindustan Times* asserted that Pandit Jawahar Lal Nehru had actually backed out of his word. According to this letter, Pandit Nehru had asked Malik Hardit Singh to convey to fasting Master Tara Singh that the principle of linguistic redistribution of provinces which has been applied to other provinces will be applied to Punjab as well.

There were sound reasons for the Akali Dal to doubt the integrity of the members of the Commission appointed by the Government. Even the Prime Minister in his reply to the letter written by the legal adviser of the Akali Dal had admitted "that it is true that I stated in the course of our talks that the members of the Commission would be of the highest quality, and that I would endeavour not to appoint any member from northern India as they were likely to be interested in the politics of Punjab."

But Mr. S.R. Das had been Chief Justice of Punjab High Court and as several agitations by the Sikhs had taken place during his tenure, he was likely to be prejudiced. Moreover, he was father-in-law of Mr. Ashok Sen who was then Law Minister in the Government of India. Similarly, it was already

in the press then that the other member of the Commission Mr. M.C. Chhagla is likely to be inducted in the Union Cabinet and it fact Mr. Chhagla was actually so taken later on.

All Sikh organisations unanimously resolved to boycott the Das Commission. The only organisation that participated was the newly formed "The Nationalist Sikhs" whose spokesman, Dr. Gopal Singh Dardi appeared allegedly at the instance of S. Partap Singh Kairon, the Congressite Chief Minister of Punjab. While addressing the Commission, Dr. Gopal Singh denied that there was any discrimination against the Sikhs.⁵⁵

However, according to Dr. Gopal Singh even he had alleged instances of discrimination against the Sikhs before the Das Commission. According to him :

"In order that the Sikhs case may not go by default, about 50 Sikh intellectuals, including M. Ps. and M.L.As. met in New Delhi and requested (Dr. Gopal Singh) to present the Sikh case before the Commission. This was done, and eight cases of obvious discrimination were listed in our memorandum, especially in regard to Punjabi language, the treatment of Sikh farmers in the Tarai region of U.P., absence of heavy industry in Punjab. It is a traversity of facts to suggest that no cases of discrimination had been listed in this memorandum. As for the Punjabi-Speaking State, it was asserted that this was a discrimination against the whole Punjabi people, and not only against the Sikhs."⁵⁶

Dr. Gopal Singh's above interpretation of his memorandum is perhaps later thought. Press reports of that time clearly show that he had asserted before Das Commission that the Sikhs are not only not being discriminated against but are also being accorded preferential treatment.⁵⁷ He presented memorandum on behalf of the nationalist Sikhs a very nebulous entity. Leaders of all respectable Sikh organisations S. Tirlok Singh, President of All India Nationalist Sikhs Party and S. Labh Singh Narang, President of All India Sikh Federation had disassociated themselves from the memorandum.

S. Kartar Singh Chawla, an advocate of Punjab High Court, appeared before the Commission in his personal capacity and submitted that he could establish the discrimination if he was given amnesty by the Commission for referring to some "secret circulars" and other "Government documents" in connection with the attitude of the Government. The request was not accepted.

Virender, editor of the *Partap* appearing on behalf of Hindu organisations joined as Hindi Raksha Samiti, submitted before the Commission that Punjabi is not the mother tongue of Hindus living in Punjab. Mr. Balraj Madhok M.P., appearing on behalf of Jan Sangh submitted that Gurmukhi script was unsuited to Punjabi and it should not be imposed on the Hindus of Punjab. He wanted Regional Formula to be scrapped. Professor Sher Singh, a Jat leader from Haryana region submitted that there was no discrimination against the Sikhs and Punjabi was being enforced on the people of Haryana against their wishes.

The Commission submitted its report on 9th February, 1962 and it traced back the demand for Punjabi Suba to demand for a Sikh State at the time of partition. The genesis of the demand according to commission lay in the Sikhs feeling that Hindus have got a State, the Muslims have got a State and, therefore, the Sikhs must have a State for themselves. This is a question which is beyond the scope of Commission's terms of reference.⁵⁵ It further reported that Commission had found no evidence of any discrimination against the Sikhs.

The Government accepted the report in toto and notified findings in the Government Gazette. This caused anger and resentment amongst the Akalis rank and file against its own top leadership. Government exploited this disaffection to create divisions in the Akali Dal through its stooges. One Lachhman Singh Gill, a Government contractor with the help of a few other second rate Akali leaders initiated the process of disintegration. On 15th November, 1961, S. Jiwan Singh Umranangal sent a notice to Master Tara Singh asking him to resign the Presidentship of S.G.P.C. and that of Akali Dal as he had failed to keep his vow taken before Guru Granth Sahib. On 20th November, 1961 Lachhman Singh Gill also gave a similar notice. Master retaliated by expelling both S. Jiwan Singh

Umranangal as well as Lachhman Singh Gill from the Akali Dal. Sant sided with the dissident group. With the help of a few mediators an immediate break up was averted and it was agreed that the dispute be referred to Panj Piyaras *i.e.* the five beloved (arbitrators) namely Giani Achhar Singh (Head Priest of Akal Takht), Bhupinder Singh (Head Priest of Golden Temple), Giani Chet Singh, Giani Kirpal Singh and Giani Sharan Singh, who should decide as to whether or not Master Tara Singh and Sant Fateh Singh had violated their pledges taken before going on fasts in connection with the demand for Punjabi Suba.

On 25.11.1961, the five arbitrators started the proceedings and examined Hardit Singh Malik, Gurnam Singh, Gurbaksh Singh Advocate and Jiwan Singh Umranangal who were in know of the background of the fasts. On 29th November, 1961 the five arbitrators gave their verdict that both Sant Fateh Singh and Master Tara Singh had not kept their vow. Eight members of the Working Committee of the Akali Dal were also held guilty for having permitted Master Tara Singh to break the fast. All the leaders agreed to accept the punishment. Giani Achhar Singh announced the punishment. Master Tara Singh was asked to perform one *Akhand path* and to recite more prayers besides his routine daily prayers. He was also ordered to clean utensils and shoes of the congregation in any Gurdwara for 5 days and then to offer *Karah Parshad* of Rs. 125/-. The arbitrators also censured the conduct of Sant Fateh Singh for giving up his fast on the orders of Master Tara Singh without fulfilling his vow.

The public humiliation of both Sant Fateh Singh and Master Tara Singh on account of verdict of breaking the vow, created a rift amongst their followers and thus Akali Dal was now a house divided against itself. Akalis defeat during general elections of 1962 further added to mass discontentment.

On 8th July, 1962, Akali Dal Working Committee at the instance of Master Tara Singh expelled Lachhman Singh Gill and Jiwan Singh Umranangal from primary membership of the party and all the positions that they held. At this Sant Fateh Singh alongwith Harcharan Singh Hudiara walked out and Sant Fateh Singh issued a statement protesting against this

expulsion and called a convention of Sikhs for 22nd July, 1962 at Mullanpur (Ludhiana).

A huge convention was accordingly held at Mullanpur on 22 July 1962 and a resolution passed there demanded Punjabi Suba purely on linguistic basis completely free from communal viries with the cooperation of all communities. The convention further praised the services rendered by Sant Fateh Singh and expressed full faith in his leadership and said :

“In the present dark hour in the history of the Sikh nation, he, and he alone, is capable of steering clear the sinking canoe of Panthic unity, threatened by overwhelming forces and cross currents from all directions, and after reposing full confidence in his leadership beseeches Sant Fateh Singh to take charge forthwith, in order to arrest the deteriorating situation and lead the community to its destined goal consistent with Sikh traditions of sacrifices and past glory.”

Sant Fateh Singh announced the founding of a parallel Akali Dal and accused Master Tara Singh for causing frustration among the Sikh masses by ending his fast without achieving Punjabi Suba. Master Tara Singh in retaliation on 10th August 1962 suspended Sant Fateh Singh from Senior Vice Presidentship of Akali Dal and for two years from primary membership of the party. Partap Singh Kairon, Congress Chief Minister of Punjab and Communists supported Sant Fateh Singh to oust Master Tara Singh from Sikh leadership. They jointly planned to capture S.G.P.C. which controls all the Sikh shrines in Punjab. Sant Group sent a requisition asking the President of S.G.P.C. to call a general meeting before 6th September, 1962. Punjab Government openly sided with Sant and on 17th August 1962, Master Tara Singh, Chak Sherwala (President of S.G.P.C.) and Atma Singh (General Secretary of Akali Dal) were arrested for apprehension of breach of peace.

The meeting of the General House of the S.G.P.C. was summoned for 2nd September, 1962 but before the meeting government arrested four members who were supporters of Master Tara Singh group. No-confidence motion against

president of Master group was carried by 76 votes to 72, when six members owing allegiance to Congress also supported the Sant group's no-confidence motion. Sant Chanan Singh, a lieutenant of Sant Fateh Singh replaced S. Kirpal Singh Chak Sherwala, Master's trusted man.

Before the Akalis could plan another agitation, tension on India's border with China increased. The Sikhs announced the suspension of their agitation. The Sikhs joined wholeheartedly in defence preparations and the Punjabis contribution in men and material equalled that of the rest of the states of India put together. The only non-punjabi district to exceed the Punjab district's contribution in gold was Ganganagar in Rajasthan which is largely settled by Sikh refugees.⁵⁹ Sant Fateh Singh constituted a separate defence council to mobilise the Sikh community for defence efforts. He met Nehru on 7th February, 1963 and presented a cheque for Rs. 50,000/- on behalf of S.G.P.C. as contribution to National Defence Fund.

Sikh soldiers fought valiantly against the Chinese and as a result were special target of Chinese atrocities. According to B.N. Malik, Director of Intelligence Bureau, Government of India :

"The Chinese perpetrated untold cruelties on the brave wounded Sikhs. Many of them were tied and then dragged and their brains were battered."⁶⁰

Chief Ministers of various Indian provinces vied with each other in announcing concessions for the Sikhs and their language. The Chief Minister of Madhya Pradesh during his visit to Punjab, announced introduction of Punjabi in Gurmukhi script for 10th and 11th classes in his state. Similarly, moved by the valorous part of Punjabi soldiers on the Naga and Ladakh battle fronts, the Chief Ministers of Rajasthan and Uttar Pradesh reserved considerable tract of land for grants to the Punjabi Jawans.⁶¹

But even in such an emergency Sikhs efforts were being looked with suspicion. Partap Singh Kairon, had raised in Punjab a voluntary force in rural Punjab called Punjab Raksha Dal, to fortify the second line of defence and to provide disciplined manpower. But Arya Samajists started

vexatious propaganda against this move by calling it as "consolidation of Sikh strength" and under the influence of this misrepresentation, government of India asked Kairon to disband this Punjab Raksha Dal and to amalgamate it with the Home Guards.⁶² Similarly, Kairon's plan to set up an air rifle factory in Punjab in collaboration with an American firm was also misinterpreted as a step towards seizing power and the plan had to be shelved.⁶⁰

All these events made Partap Singh Kairon, Chief Minister of Punjab, a suspect in the eyes of most of the members of the Congress High Command although he was still a favourite of Pandit Jawahar Lal Nehru. A group of Congress M.L.A.'s in Punjab State Assembly started openly criticising Kairon and this group submitted a comprehensive charge-sheet against Kairon to the President of the Congress on 29th August, 1963. Similarly, a deputation of the joint opposition gave a memorandum to the President Radhakrishnan, enumerating 32 charges of corruption against S. Partap Singh Kairon and his family members. President advised Prime Minister Nehru to order an enquiry against Kairon. On 22nd October, 1963, Prime Minister recommended to the President to have an enquiry made into the charges against the Chief Minister Kairon. Accordingly, Mr. S.R. Das, a retired Chief Justice of the Supreme Court, was appointed as a one man Commission. The Commission's report was published on 21st June, 1964, but S. Partap Singh Kairon having come to know of its findings holding him guilty, resigned on 14th June, 1964.

It is interesting to note in this connection, that S. Partap Singh Kairon in his defence before the Das Commission had claimed credit for setting his face against Akali communalism led by Master Tara Singh for Punjabi Suba. He had posed the question where Punjab would have stood if he had not taken the bold stand? He had got affidavits in his support filed before the Commission which asserted that but for the strong personality of S. Partap Singh Kairon, the State of Punjab with delicate border problems would have disintegrated and gone to pieces.⁶⁴

Meanwhile, attacks on Sikh religious symbols from government inspired sources were on the increase. On 11th November, 1963, Dr. Sushila Nayar, then Union Health Minister,

addressing a Public meeting at Delhi, had ridiculed the Sikhs and their Gurus by calling them "just unshaven Hindus distinguished by their unshingled unshorn appearance, blindly imitating their ancestors who lacked the leisure and facilities for proper shave." Sant Fateh Singh had referred to it during his dialogue on Punjabi Suba with Lal Bahadur Shastri and both the Home Minister Gulzari Lal Nanda as well as Shastriji had expressed regrets for these uncalled remarks.⁶⁵ Similarly, Acharya Vinoba Bhave, government patronised saint and leader of the Sarvodaya movement had on 25th June, 1963 at Bhowanipur (Calcutta), had ridiculed the practice of present day Sikhs wearing the Kirpan (sword) which he called an outmoded weapon in view of the advanced armaments available now. When Sikhs protested Vinoba Bhave expressed regrets assuring the Sikhs that it was not his intention to injure the religious feelings of anyone.⁶⁶ Again, the beard and moustache of a Sikh truck driver, S. Charan Singh, were forcibly shaved off to teach him a lesson for having not allowed some Bihar Government officials to overtake and go ahead of his lorry.⁶⁷ On protests by Sikhs, Mr. Rameshwar Dayal a retired Judge of Patna High Court was appointed by the Bihar Government as one man Commission of Enquiry to enquire into this incident. After a protracted investigation, five officers namely Sh. S.K. Srivastva I.A.S., Sh. V.N. Pandey I.P.S., Sh. C. Jha M.L.C., Sh. T.K. Mishra I.R.D.C., and Sh. K.N. Singh Assistant Registrar Cooperative Societies on 10th November 1964 appeared before congregation at Takht Patna Sahib and publically admitted their guilt and sought forgiveness.⁶⁸

With these dangers facing their religion, pressure on the rival Sikh leaders increased to reconcile and close up their ranks. On 24th December, 1962 the Sikh leaders assembled at Patiala and elected Maharaja Patiala as Chief Organizer to harness the total resources of the Sikhs for the defence of the country. Jathedar Achhar Singh President of the Akali Dal (Master) and S. Gurnam Singh leader of Akali Legislature party made efforts to unite two factions but failed. Jathedar Achhar Singh resigned and Giani Bhupinder Singh superseded him as President. Both Master and Fateh Singh accused each other of sabotaging unity moves. However, the events compelled

the two factions to join hands and safeguard the Sikh interests.

On 22nd May, 1964 police fired at Sikh historic shrine of Paonta Sahib and killed many a Nihang Sikhs congregating inside Gurdwara built in memory of Guru Gobind Singh. As per reports, Mr. R.K. Chandel, Deputy Commissioner of Nahan (Himachal Pradesh) accompanied by a large contingent of armed police, marched to Gurdwara Paonta Sahib to transfer possession of the Gurdwara to an official Reciever in execution of a Civil Court order in a case between a Mahant and the Nihang Sikhs with regard to possession of this historic shrine. Harbhajan Singh, leader of the Nihangs, was arrested and his associates were asked to vacate the Gurdwara but they refused to oblige as Akhand Path (continuous recitation of the Holy Granth) was in progress. The Deputy Commissioner ordered the police to force open the gates and enter the Gurdwara to evict the Nihangs from the shrine. The police entered the Gurdwara wearing shoes and carrying cigarettes in their pockets in utter disregard of Sikh traditions and sacred injunctions, thus desecrating a Sikh place of worship. Provoked by this act of profanity, one of the Nihangs, posted at the entrance, defied the police with two blows of Chakkar (a circular steel plated ring) which injured some police constables. The Deputy Commissioner, acting as District Magistrate, ordered police to fire. What followed was a grim story of an orgy of dreadful carnage, most unbecoming of the servants of any civilized Government. Even the man reciting the holy hymns from the scripture was not spared and was shot dead while in the service of Guru Granth Sahib. The doors and windows of the shrine were smashed and the inmates were subjected to inhuman tortures, kicks and blows. This unprecedented police action left a trail of bloodshed with three dead bodies badly bruised, twelve Nihangs missing but suspected to be shot dead, many injured and the rest arrested. The shrine was placed under strict police control and for two days no one was allowed to enter the shrine.⁶⁹ As the news broke out, a strong current of indignation and resentment surged through the minds of the entire Sikh community as Paonta Sahib is one of the most sacred Sikh shrines hallowed by Guru Gobind Singh who had stayed here for a period of

six years and sounded the clarion call to the Sikhs to prepare for struggle against the Mughal rulers of that time. Guru Gobind Singh had produced here massive Sikh religious literature to infuse courage amongst the masses to inspire them to take up arms against the rulers.

Both factions of Akali Dal formed a joint action committee which gave a call to the Sikhs to get prepared to make every sacrifice to restore the sanctity of this historic shrine. Government feeling the pulse of the Sikh masses appointed a judge of the Allahabad High Court to enquire into the whole incident. There had been different versions why the Commission reported against the Sikhs in spite of the fact that the police was guilty of sacrilege which was so obvious. Working Committee of Master Akali Dal held at Delhi on 20th July, 1966 later was constrained to pass the following resolution expressing the Sikhs lack of faith in the Indian Judiciary. The resolution reads :

This emergent meeting of the Working Committee of Shiromni Akali Dal, after having carefully viewed the findings, the reports and judgments of judicial and quasi-judicial Tribunals and Forums that have dealt with matters and cases involving important Sikh interests comes to the conclusion that the entire judicial machinery and the judicial process of the Independent India, under influence of a certain section of political Hindus, is prejudiced and has been perverted against the Sikh people in India in relation to their just and legal rights. Therefore, this meeting, on behalf of the Sikh people calls upon the World opinion in general, and forums and organisations of International and Commonwealth Jurists, to set up appropriate machinery to go into and report upon the subtle and persistent denial of fundamental human rights to the Sikh people in a free and independent India."

Jawahar Lal Nehru died on May 27, 1964. He had proved true to his words that he will not agree to formation of Punjabi Suba during his life time. When at the end of last meeting held with Sant Fateh Singh on May 12, 1961, Sardar Harbans Singh Gujral had enquired from Pt. Jawahar Lal Nehru

whether he would be prepared to consider the question of formation of Punjabi Suba at future time, Jawahar Lal had emphatically replied that he would not be prepared to consider this question during his regime.⁷⁰

Soon after Nehru's death, his confidant S. Partap Singh Kairon who was the bitterest opponent of Punjabi Suba, was forced to resign from Chief Ministership of Punjab on 14th June, 1964 due to leakage of Das Commission's report (which was officially published on 21st June, 1964), which held him guilty of conduct unbecoming and reprehensible and also guilty of abuse of his influence and power. He was succeeded by Mr. Ram Kishan, an Arya Samajist Hindu who was otherwise a political non-entity.

During his regime Gurdwara elections were held in January, 1965. Rival Akali factions lead by Sant Fateh Singh and Master Tara Singh respectively contested the elections. According to results announced on 18th January, 1965, Sant group secured 90 seats against 45 captured by Master Tara Singh group. Master Tara Singh announced that he will retire from Public life for six months to enable Sant Fateh Singh to carry on unhindered struggle for achieving Punjabi Suba. Accordingly, Master Tara Singh retired to a small village Salogra in Himachal Pradesh.

But Sant Fateh Singh didn't do much to achieve the objective. Rather during this period incidents of sacrilege were committed by non-Sikhs at Ludhiana, Doraha and other places in Punjab. At Budh More in Patiala District, a copy of Guru Granth Sahib was set to fire. Similar incidents of sacrilege of Guru Granth Sahib were reported from Jangpur (District Ludhiana), Kharar (Ambala), Gunachore (Jullundur), Jamalpur (Jullundur). At Dharamsala Vadehrian the Akhand Path was interrupted. At Chack Kheowali, Thana Fazilka, District Ferozepur, pages of the holy Granth Sahib were torn off. In Patiala City at Moti Bagh palace, pages of the holy Granth Sahib were torn off. At Jamalpur a copy of the holy Granth was set to fire and thrown into a dirty well. A Sikh convention held at Patiala on 29th April, 1965 expressed deep resentment of Sikhs against this new assault on their religion.

Sikh Review Calcutta, moderate religious journal of the Sikhs, commenting on these incidents wrote :

"Sikhs all over the world are grieved that some mischief monger has burnt a few pages out of Guru Granth Sahib at Doraha Gurdwara in Ludhiana District, Punjab.

This is not the first instance of such Vandalism. Many times before, in free and secular India, sacred tank in Amritsar has been desecrated and cigarettes thrown in the sacred pool during the Punjabi Suba movement—offences that are still fresh in Sikh minds, the shaving of a Sikh by some Bihar officers, the firing at the historic gurdwara at Paonta Sahib are some other instances of sacrilege. *Partap*, an Urdu Arya Samaj daily sprinkled salt over the wounded feelings of the Sikhs by referring to Guru Nanak in abusive language, the vengeance with which the Delhi State authorities, under the very nose of the Central Government, assaulted each and every Sikh the police could lay their hands upon in Delhi, was a grim reminder of Mughal excesses against the Sikhs in the 18th century. The Government failed in all the instances above mentioned to redress the wrong done or to arrest or punish the evil doers."⁷¹

The incidents pained Sikhs not only in India but also in far off places of the world. A convention of the Malaysian Sikhs held on 31st July 1965 at Punjabi School Kuala Lumpur passed the following resolution :

"This convention feels that the continued desecration of the Guru Granth Sahib (the Holy book of the Sikhs) in the Punjab is being perpetrated as a result of pre-meditated conspiracy by the people who are out to injure the religious susceptibilities of the Sikhs in order to create disorder in the country by such provocations.

The Sikhs believe the Guru Granth Sahib to be the spiritual personification of their ten Gurus and, therefore, consider its desecration as a crime worse than a murder. For this reason this convention request the Central Government (of India) to enact a new law providing a death penalty for such cases."⁷²

It was in such an atmosphere of disgust and resentment amongst the Sikhs, when the time of Master Tara Singh's self

imposed exit was approaching, that in May, 1965, General Hari Singh Nalwa Conference held at Ludhiana, which was largely attended, demanded Self Determined Political Status for the Sikhs by passing a resolution moved by Ex-Justice Gurnam Singh which reads :

“This conference in comemoration of Hari Singh Nalwa of historic fame, reminds all concerned that the Sikh people are makers of history and are conscious of their political destiny in a free India.

This conference recalls that the Sikh people agreed to merge into common Indian nationality on [the explicit understanding of being accorded the constitutional status of cosharers in the Indian sovereignty alongwith [the majority community, which solemn understanding now stands totally repudiated by the present Rulers of India. Further, the Sikhs have been systematically reduced to [sub-political status in their homeland, and to an insignificant position in their motherland, India. The Sikhs are in a position to establish before an international tribunal, uninfluenced by the present Indian Rulers, that the law, judicial process and executive action of the Union of India is consistently and heavily weighed against the Sikhs, and is administered with unbandaged eyes, against the Sikh citizens.

The conference, however, resolves after careful thought, that there is left no alternative for the Sikhs in the interest of self preservation than to frame their political demand for securing a self determined political status within the Republic of the Union of India.”

The resolution created a stir in political circles and this resolution was interpreted by non-Sikhs as a step towards Sikh State. The resolution obtained wide publicity and support from the Sikhs. Chief Khalsa Dewan, a most conservative non-political Sikh organisation with a long-standing record of loyalty to the past and present rulers, through a press note not only extended support to the resolution, but also explained in detail the reasons for the resolution. The press note contained a resolution passed by the Chief Khalsa Dewan dated 1-8-1965 which listed some of the grievances of the Sikhs and

called upon the rulers to show a change of heart to win the confidence of the Sikhs. The concluding para of the resolution reads :

“Unless the present rulers and the majority community show a change of heart and consider the Sikhs to be co-sharers in the Indian Sovereignty (and not second-rate citizens to be humiliated at every step), the Sikhs cannot and will not live a life of peace. They will continue the struggle, their spirit nobody can curb. So the only solution is searching of hearts by the rulers and the majority community which may ensure to the Sikhs a life of honour and respect as equal citizens of India without any discrimination in the Defence Services, in the field of language or even as individuals, anywhere in the Union of India.

No amount of political casuistry can reduce the significance of this strong minority. They have been the makers of history and have played a strong part in determining the political destiny of free India. No amount of semantic diplomacy can keep them down for a long time. Their problem requires a change of heart on the part of the rulers as well as the majority community. For peace and progress in India this is something implicit.”⁷³

With resolution for self-determined political status for the Sikhs, a favourable political environment was created for the return of Master Tara Singh from his self imposed political exile. Master Tara Singh reappeared on political scene on 24th July, 1965. He elaborated his thesis regarding demand for self-determined political status at a widely attended International Press Conference held at a posh hotel of Delhi on 2nd August, 1965, where famous journalist S. Khushwant Singh assisted Masterji as interpreter. Master Tara Singh asserted there that the Sikhs are no longer willing to live under the shadow of suspicion as second rate citizens and demanded that the Sikhs should be given the right to determine their political status in a state where they should feel their religion and culture to be safe. The statement which he read at the press conference stated :

- “1. After quiet contemplation during my rest at Salogra, I have come to certain conclusions which I wish to share with my fellow-Sikhs as well as political workers of other communities.
2. When India achieved independence in August 1947 the Sikhs had been justly recognised and accepted as legitimate inheritors of the sovereignty of India, along with Hindus and Muslims. When the country was partitioned, the Sikhs accepted solemn assurances of the Hindu leaders saying that they would be accorded a free political status in a free India through a constitution with their acceptance. As power passed into the hands of the majority community, these solemn promises were forgotten and cynically repudiated.
3. The resurgence of militant Hinduism has since 1947 completely taken control of the scene in free India. An emphasis on ramming Sanskritised Hindi down the unwilling throats of non-Hindu speaking people, insistence on the performance of Hindu rituals at State functions to the complete exclusion of Muslim, Christian and Sikh ceremonies, and an aggressive attitude towards minority communities, has become the order of the day. The communal riots at Jabalpure, Aligarh, Jamshedpur and Calcutta, coupled with persistent and planned desecration of Sikh places of worship, have been organised by communalist thugs. Christian missionaries and institutions have been run down, while proselytising activities of the Hindus have been encouraged by the State. Much of the discontent in the Hill areas of Assam and Nagaland is traceable to the unfair treatment of Christians. In Kashmir, continuous attempts have been made to stifle the true aspirations of the Kashmiris, and recently Seikh Abdullah has been put in detention refusing him the elementary right of explaining himself. It is clear that the minorities in India, in particular the Muslims, the Christians and the Sikhs, stand in great jeopardy.
4. The threat which this situation poses assumes most alarming proportions in case of the Sikhs, for they have their cultural roots and social integration with

the Hindus. Precisely on this account, there has been an open conspiracy during the last 18 years to suppress and absorb the Sikhs into the inchoate mass of Hindus.

5. The Sikh people are makers of history, and the community's identity cannot be wiped out in the name of National unity, either under the orders of political leaders or indirectly, through the policies adopted by the Congress. What God and history has built cannot and shall not, be permitted to be destroyed by these new rulers of India.
6. It is in this background that the tacit consensus of Sikh attitudes and opinions has found a spontaneous echo in the resolution recently adopted at a Sikh conference at Ludhiana, wherein a demand has been made for an international and independent Tribunal before whom the Sikhs can prove their fore-mentioned case, and wherein the political goal of the Sikhs has been laid down as self-determined political status within the Union of India. I endorse this resolution in its entirety.
7. The friction between India and Pakistan has assumed sinister proportions now, and the Sikhs feel particularly concerned about this matter. It is the considered opinion of the Sikh people that the persistence of tensions between Pakistan and India is extremely detrimental to the overall interests of this sub-continent, and it is specially harmful to the welfare of the Sikh people. The Sikhs earnestly desire a lasting and genuine friendship between Pakistan and India, and at all events, the Sikhs are clear in their minds that feelings of friendliness between the Sikh people and the people of West Pakistan should be nourished and strengthened, so that the Sikhs can have a free and open intercourse with, and access to their holy land, the land of the epiphony of their religion. Towards this end the Sikh people shall continue to strive.
8. The Sikhs demand a space in the sun of free India wherein they can breathe the air of freedom. In the traditions of Sikhism, and in the teachings of their

Gurus, there is no room for inter-communal strife, a inter-communal discrimination, and whenever and whatever, therefore, the Sikhs acquire decision-making powers they shall always remain animated with these traditions and the great teachings of their Gurus.

9. Concerning the economic activities and programmes, the Sikh people are clear in their minds that the spirit of their religion and their historical traditions militate against the concentrating of wealth in individual hands and abuse of the means of production by private agencies. Simultaneously, the Sikhs are passionately devoted to the cause of the preservation and protection of the autonomy of the individual.
10. These are the broad conclusions on which I have arrived, and these are the broad indications of the programme which I now propose to place before my people, for their deliverance from the present State of deprssion to which they have been reduced.⁷⁴

Presence of S. Khushwant Singh, the versatile Writer of International repute who had no political affiliations at that time, at Master Tara Singh's press conference surprised many a people. He, therefore, wrote an explanatory article "My Role In Sikh Politics" in which he gave reasons for supporting the demand for "Self Determined Political Status." The article reads as under :

"I have never subscribed to the demand for a Punjabi Suba because I believe it to be a dishonest and unnecessary camouflage for something I hold as an article of faith, viz. an autonomous Sikh State within the Indian Union. I support the present demand for a "self-determined political status" for the Sikhs because in this "portmanteau" phrase accommodates my concept of an automous Sikh Suba within the Indian Union. I am further convinced that all Sikhs whatever their political affiliations subscribe to the same creed. There is not one Sikh temple where the litany raj kareyga Khalsa is not chanted at the end of every prayer. Those Sikhs who deny this are either lying to their Gurus or to their rulers. If the government really wishes to

squash this sentiment it should seal off all Sikh Gurdwaras and declare the singing of raj kareyga Khalsa a criminal offence.

I do not consider the demand for a Sikh Suba, communal, fissiparous or anti-national. On the contrary, I am convinced that only in a state where the Sikhs can assure themselves of the continuance of their traditions can they play their full role as citizens of India. Such conditions do not obtain in the country today. There is a definite resurgence of Hinduism which threatens to engulf the minorities. The administration is unwilling or unable to suppress it. The Sikh closeness to the Hindus (all said and done Sikhism is an off-spring of Hinduism and many Sikhs have Hindu relatives) poses a real challenge to their existence as a distinct and separate community. The process of lapse from the Khalsa tradition of Sikhism into Hinduism has proceeded apace and unless it is checked we may well witness the passing of this brave people into the pages of history. I am sure that neither Hindus nor Sikhs would like to see this happen. All that made the Sikhs—courageous, enterprising, obstreperous, unyielding—is closely connected to the traditions of the Khalsa.

I believe that the only way of reviving and nourishing the traditions of the Khalsa can be in a state where Sikh children are compulsorily taught Punjabi in the Gurmukhi script and as they grow up they are initiated into the traditions of the Khalsa and told of the stories of the thousands who suffered martyrdom (for the right largely to wear their hair and bread unshorn) and of the reckless valour which made the Sikh empire possible. This may not sound secular. But neither is the emphasis on Sanskrit (largely Hindu religious texts or cow protection enforced by the state) very secular. This I believe is the only peaceful alternative which will ensure the continuance of the Khalsa traditions.

This autonomous Sikh Suba, when it comes about (and it must come about soon without further exacerbating Sikh feeling) will remove the chief grievance of the Sikhs. The emphasis will of course be on language. In this state

the only language to be used at all levels will be Punjabi in Gurmukhi script. Hindi and English will be the languages of communication with other states. Its radio station will only use Punjabi, not the tasteless khichri cooked up by All India Radio, Jullundur. I am sure that as soon as this Suba is constituted, the Sikhs will overlook other grievances (fall in the Sikh proportions in the services, ceilings on land, discrimination in granting of industrial licences etc. often mentioned in Sikh circles). Such a Sikh Suba will strengthen not weaken India. It will give the Sikhs the chance to say proudly "I am a Sikh. I am an Indian."⁷⁵

But Master Tara Singh's new programme evoked strong suspicions of the Hindus, who criticised it as a betrayal of the country. They, therefore, rallied round Sant Fateh Singh to let down Master Tara Singh. With the same motive of boosting Sant's public image, Prime Minister invited Sant Fateh Singh for talks on Punjabi Suba on 7th August, 1965. But at the very first meeting with Lal Bahadur Shastri as Prime Minister and Gulzari Lal Nanda as Home Minister of India, Sant Fateh Singh clearly asserted that Sikhs wanted a Punjabi Suba because their religion was in danger. Elaborating his point, Sant Fateh Singh told Shastri ji :

"Our religion is not at all safe in free India. Don't you know that in the Punjab at several places, the holy Granth has been burnt, the *akhand paths* have been disturbed, leaves have been torn out of the holy Granth, but the Government have paid no heed. In Kashmir the hair of prophet Mohammed was stolen and the whole machinery of the Indian Government was activated. The Radio and the press protested loudly. The other Muslim countries also spoke up, and Shastri ji the late Prime Minister Shri Nehru, sent you immediately to Kashmir. You had not even time to fetch your coat from your house. You borrowed the late Prime Minister's coat which perhaps might have been too loose for you (general laughter), and you went and pacified the Muslims there. This was something good that you did. The same respect must be accorded to everybody's religion, but why this discrimination against

us ? In your hearts, there is no respect for our religion. If you had any respect, you would have acted at once. On the other hand we love this country, because it is our country. We feel the responsibility of defending this country even more than you do. On the one hand we were preparing to meet the Pakistani attack and exhorting the people to be ready for the defence of India, whereas on the other hand, Punjab's Chief Minister and other Ministers issue statements everyday threatening "to crush us down." You know that sacrilege has been committed with respect to Guru Granth Sahib and yet the Government have done nothing. What are we to understand? As we cried in agony, didn't you feel any pain? No, you feel nothing. Then how can our religion be safe.⁷⁶

Strategy adopted by Shastri ji and Gulzari Lal Nanda at this meeting with Sant Fateh Singh was to widen the rift between Sant ji and Master Tara Singh. Nanda told Sant ji "We are not at all afraid of Master Tara Singh's threats. But we sincerely respect you. You are a pious man and you are true to your word. But we don't have faith on anything that Master ji says." Similarly Shastri ji told Sant Fateh Singh "If Master dares to create trouble, we will crush him in five minutes. But we appeal to you to please understand our problems." But Sant Fateh Singh saw through their game and silenced them by telling Shastri ji, "Shastri ji ! You are a man with means to crush. If master ji can be crushed in five minutes then surely you can crush us in seven minutes. We being a little stronger than Master ji. Why should you be worried then ?"⁷⁷

The meeting ended on 8th August, 1965, but no compromise could be reached. The note prepared at the interview and handed over as a version of the talks prepared by the Prime-Minister's Secretariat was rejected by Sant Fateh Singh by telling Shastri ji "There is absolutely nothing substantial in this note. Our Chief objection is about your not conceding the demand for Punjabi Suba. The rest of the complaints have been made to enable you, to see how the Sikhs were being discriminated against."⁷⁸

The Working Committee of Sant Akali Dal at its meeting on 14th August, 1965 also rejected this note by passing a resolution that "The Government of India did not trust the Punjabis in General and the Sikhs in particular."

Sant Fateh Singh announced on 16th August, 1965 that he would go on fast unto death from 10th September, 1965 inside the Golden Temple and in case the demand for Punjabi Suba was not conceded within 15 days, he would burn himself on 16th day.

Meanwhile situation on border with Pakistan became more and more serious day by day. In July 1965, a U.N. Official had informed India that Pakistanis were assembling a massive tank force in Punjab of their side. There was a large scale infiltration by Pakistanis near Chhamb-Deva after 5th August. On 1st September, 1965 Pakistan attacked in the Chhamb sector and the Army Generals advised Government of India that if we wanted to stem the enemy offensive we should attack the enemy in Punjab as a precautionary measure against further aggression.⁷⁹

It was in these conditions that 15 Congress M.L.A.'s at Chandhigarh on 31st August issued a press statement that the Central Government should accept in principle the demand for Punjabi Suba and defer its formal declaration to a later date. To act as a communication link between the Central Government and the Akali leaders, Sardar Ujjaj Singh was administered oath of Governor of Punjab on 1st September, 1965, who was known for his pro-Sikh views but had always been pro-government in his actions. Therefore, S. Ujjaj Singh's appointment as acting Governor of Punjab was looked askance by a large number of Sikhs and interpreted as a move to set a Sikh against the Sikhs should it become necessary to take strong measures against the rising tide of Sikh emotions. But by his discreet utterances he infused confidence in Sikhs although Chief Minister Shri Ram Kishan made irresponsible utterances to further estrange the Akalis.

Although in January 1961, Pt. Jawahar Lal Nehru had publically declared that "It is not out of any discrimination against the Punjab or distrust of the Sikhs that the process of forming a linguistic state was not possible....." but it was well known that one reason for not agreeing to formation of

Punjabi Suba was the suspicion in the mind of Jawahar Lal Nehru that if Pakistan create some trouble, the Sikhs may join hands with Pakistan. When this fact was put to him by Sant Fateh Singh during his talks with Nehru on 12 May, 1961, Pandit Nehru had evasively replied: "Suspicion cannot be had against a community or people, but some particular person could be suspected."⁸⁰

But on 9/10/1960, the Chief Minister Punjab, had publically alleged in a speech at Ludhiana that the Akalis had entered into a conspiracy with Pakistan to establish a separate Sikh State.⁸¹ On another occasion, the Punjab Chief Minister and Punjab Congress President had publically alleged that Master Tara Singh was in conspiracy with Pakistan and had agreed with President Ayub to have Akalis trained in Guerilla Warfare in Pakistan to create trouble in India.⁸² This suspicion had a history. In 1955, governments of India and Pakistan, with a view to improve the relations between the two countries, arranged a cricket match at Lahore in Pakistan between their teams. Indians were allowed freely to go to Lahore to see the match and thousands of them who visited were extended good hospitality. The Sikhs received special attention because Sikhs and Muslims had specially drifted apart during the partition riots. Giani Kartar Singh, a top Akali leader was one of these thousands of visitors but a false propaganda was carried out by the Indian press that Giani was flown to Karachi from Lahore for negotiations to complete a conspiracy which he allegedly hatched at Lahore.

In 1965, Sant Fateh Singh had announced to fast from 10th September onwards to press demand for the formation of Punjabi Suba. He had further announced self-immolation after 15 days of fasting. Pakistan through a regular series of broadcasts, assured him of Pakistan's support if he wanted an independent nationhood. Pakistan expected a strong fifth column in Punjab when it dropped paratroopers on large scale for acts of sabotage.⁸³ But the Sikhs laughed at Pakistan Radios sympathy for the demand of the Sikhs and incitement to rebel. They took up arms, bailehas and lathis, and joined the police and army in stalking Pakistani paratroopers. The zeal, enthusiasm and the daring spirit displayed by the Sikh truck drivers in driving their vehicles against all odds to carry

supplies for the army right upto the front won them appreciation of the whole country.

However, Pakistan got a shot in its arms to woo the Sikhs. On 10th September, 1965, the 4th Sikh battalion after victory at Burki was moved to Khem Karan Sector for a special mission to establish a position behind the enemy. This battalion commanded by Lt. Col. Anant Singh, had not slept for almost 48 hours. It was represented that they should be sent on this task after they had had a little rest, but this plea was turned down saying that under the circumstances it was not possible. The battalion was accordingly launched on its hazardous task, despite fatigue, the same night. After the men had been on the move for four hours or so, their endurance began giving way and they stopped for a short break, not knowing that an enemy tank harbour was near. Before they could do anything they were surrounded and captured after some casualties.⁸⁴ Pakistan media exploited this incident to propagate that Sikh soldiers were being used as fodder for Pakistani guns.

Pakistan, however, got a shock when in spite of Pakistan's efforts to woo the Sikhs, they whole-heartedly participated in war, as civilians as well as soldiers to blunt the Pakistan's attack. In fact, but for the valour of the Sikh General Harbaksh Singh, India would have suffered humiliation and destruction. To quote Lt. Gen. B.M. Kaul :

“Government should by now be aware that in the midst of this grim crisis on 10th September Army Chief Chaudhery asked Harbaksh Singh whether our forward positions should not be readjusted and established behind the Beas as the enemy Armoured Division might break through. This would have meant pulling back our crops in this area nearly 40 miles from the front line, evacuating vital areas like Ferozepur, Khem Karan, Tarn Taran, Khalsa, Wagah, Amritsar and Dera Baba Nanak. Such action was not necessary at that juncture as the battle of Assal Uttar, near Khem Karan, was still being fought and by no means lost and there should have been no cause for panic. Thanks to the leadership and determination of Harbaksh Singh, who resisted the Army-Chief's counsel, India was saved from disastrous situation. The decision of

this Commander to make a resolute stand at Assal Uttar proved right, as by the 10th evening the Pakistani forces suffered a severe reverse."⁸⁵

Similarly, the Sikh Chief of the Indian Air force, Air Marshal Arjan Singh had personally inspired his men to knock out the enemy's air power to their surprise and bewilderment.

The Sikhs' whole-hearted participation in War against Pakistan was in accordance with their declared policy. Master Tara Singh, in his written statement dated 12.8.1955 filed in the Court of Sh. Beni Parshad, A.D.M., Amritsar in a case under Section 188 I.P.C. had declared :

"We shall, of course, struggle and gain our freedom by our sacrifices and by the grace of our Great Guru, but shall never ask for support from Pakistan. Such a suicidal step can only help us in jumping from frying pan into fire."

Pakistan carried on extensive propaganda to woo the Sikhs away from the rest of the Indians as they knew that the Sikh soldiery, as well as peasantry, would form the toughest core of Indian resistance. But Sikhs refused to be taken in this trap and Sant Fateh Singh while announcing the postponement of his fast exhorted the Sikhs to exert their utmost in defence of the motherland. Sant Fateh Singh offered his blood for the defence of the nation, "as much as can be taken leaving a bare minimum for me to exist or for self immolation for the Punjabi Suba."⁸⁶ S.G.P.C. directed its 700 gurdwaras to provide all possible facilities to Jawans and their families, such as medical aid, clothes, food etc.

On 28.9.1965, Gulzari Lal Nanda, Home Minister of India, announced in Lok Sabha the formation of a Cabinet Sub-Committee consisting of Smt. Indira Gandhi, Mr. Y.B. Chavan and Sm. Mahavir Tyagi. He also announced the formation of a Parliamentary Committee under the Chairmanship of the Speaker S. Hukam Singh.

But the government was still not honest in its intentions. S. Hukam Singh was selected to head this Parliamentary Committee, because he was expected to give a report against the

formation of Punjabi Suba. When the Parliamentary Committee was still holding its deliberations, according to S. Hukam Singh, Mr. Lal Bahadur Shastri, Prime Minister of India, rang up S. Hukam Singh because he (Hukam Singh) did not consider formation of Punjabi Suba in the interest of Sikhs and will give a report against it but Hukam Singh seems bent upon creating Pujabi Suba.⁸⁷

The President of India, Dr. S. Radha Krishnan, had on 11th September 1965 assured "I dare say, he (Sant Fateh Singh) will be satisfied with the eventual solution of this problem (Punjabi Suba) agreed to by the Government and leaders of the Punjab."⁸⁸ But when the hostilities ended Home Minister Gulzari Lal Nanda, with the help of Punjab Chief Minister tried to torpedo the chances of solution by making prejudicial speeches. *Sikh Review*, Calcutta in its comments under the head "Union Home Minister Betrays The President" commented :

"Circumstantial evidence shows that inspired by the Home Minister, the Punjab Chief Minister has launched a frontal attack on the demand for a Punjabi Suba, and the Home Minister himself is reported to have been making prejudicial speeches during his tour of the Punjab recently. His latest statement in Jullundur, as reported in *The Times of India*, implies that not only does he went to go back on his word, but that he also wishes to embarrass the President of India.

It is absurd to equate demand for a Punjabi Suba with the Muslim demand for the partition of India in 1947. A Punjabi Suba is demanded on purely linguistic grounds, and is a perfectly constitutional one, in keeping with what has been conceded to other parts of India. It would be a major tragedy if this constitutional demand was denied."⁸⁹

A large number of memorandums were submitted to the Consultative Committee by the various political parties and groups. Interestingly, the memorandum submitted by S. Buta Singh dated 5th November, 1965 (then as an Akali Member of Parliament and now Union Home Minister in Congress Government headed by Rajiv Gandhi) while pleading for the

creation of Punjabi Speaking State started with Edmund Burke's quotation "The cause of freedom is the cause of God." It blamed "Hindu communalists and their hirelings" for creating the whole problem by changing their mother tongue from Punjabi to Hindi. The Congress was sharply divided on this issue.

The Home Minister Gulzari Lal Nanda tried to reduce the status of the Parliamentary Consultative Committee by declaring that the Committee was not a State Reorganisation Commission and the question of the reorganisation of the joint state was not within its purview. S. Hukam Singh, Chairman of the Committee retaliated by announcing that Parliamentary Committee presided over by the Speaker was to submit its recommendations to the Parliament and not to the Government. Home Minister ultimately yielded and conceded that "it was not for any individual or body outside to seek to decide its limits or subject it to criticism." Harish Chander Mathur, a prominent Congress member, condemned the Government for having entrusted a controversial issue like Punjabi Suba to a Consultative Committee, headed by S. Hukam Singh.

The position was still fluid but meanwhile Lal Bahadur Shastri had died on 11th January, 1966 and Mrs. Indira Gandhi was elected Prime Minister on 20th January, 1966. She too tried to riggle out of the situation by writing a letter to Sant Fateh Singh, requesting him to appoint a small committee to discuss the question of Punjabi Suba with the Cabinet Sub-Committee and assist in finding a solution. This move was obviously to circumvent the proceedings of the Parliamentary Consultative Committee, the majority of whose members were in favour of creating Punjabi Speaking State. Sant Fateh Singh refused to fall in this trap and in his reply to Prime Minister refused to send any representatives as it would prolong the settlement.

Master Akali Dal sensed the malafide intentions of the government and to pressurise the government declared at All India Akali Conference at Jullundur on 27th February 1966 that "Sikh people are entitled to demand a self-determined political status for themselves within the Republic of the Union of India such as might enable them to preserve themselves and prosper freely."

Meanwhile, Sant Fateh Singh also wrote to the Prime Minister that he would wait only till end of March and if the government does not decide by then he would resort to fast.

Now, by this time, it had become clear that Parliamentary Consultative Committee is definitely going to recommend creation of Punjabi Suba. Majority of the Congress members became of the view that instead of giving credit to the Parliamentary Consultative Committee which included members of opposition parties as well Congress should take the whole credit itself to win favour of the Sikh masses.

Morarji Desai who had staked his claim to Prime Ministership as a rival to Indra Gandhi after the death of Lal Bahadur Shastri had launched a campaign against Indira Gandhi accusing her of appeasing the Akalis. To give her opponents a rebuff, Indira Gandhi on 2nd March, 1966 got a resolution passed from the Congress Working Committee meeting under the presidentship of Mr. K. Kamraj which recommended creation of unilingual Punjabi Speaking State. The resolution reads :

“Out of the existing State of Punjab, a State with Punjabi as the State language be formed. The Government is to take necessary steps for the purpose.”

Although, Morarji Desai, Ram Subhag Singh and Biju Patnaik voted against the resolution an overwhelming majority supported the resolution. But Jan Sangh, a political party of the Hindu communalists started an agitation against the proposed reorganisation of Punjab. This agitation led to 200 casualties and a number of violent incidents. But this agitation failed to get any popular support and was withdrawn in March, 1966 only after three Congressmen were burnt alive at Panipat which evoked widespread condemnation from the public.

Parliamentary Consultative Committee also submitted its report on 18th March 1966. It recommended that Punjabi Speaking region be reconstituted into a unilingual Punjabi State and the Hindi-speaking Region be formed into Haryana State and the hill areas of the erstwhile Punjab be merged with Himachal Pradesh. It further recommended that for

adjustment of boundaries between the three states, a committee of experts should be set up immediately. Government of India accepted these recommendations on 21st March 1966.

The Union Home Minister announced the appointment of a Boundary Commission under the Chairmanship of Justice Shah of the Supreme Court on 17th April, 1966 in the Lok Sabha and its terms of reference were as follows :

“The Commission shall apply the linguistic principle with due regard to the census of 1961 and other relevant considerations. The Commission may also take into account such other factors as administrative convenience and facility of communications, and will ordinarily ensure that the adjustments they may recommend do not involve the breaking of existing Tehsils.”

Sikhs protested against making 1961 census as basis of reorganisation because during this census Hindus had disowned their mother tongue Punjabi under communal influence. Master Tara Singh declared boycott of the proceedings of the Commission while Sant Akali Dal passed a resolution on 26th April, 1966 rejecting terms of reference as the 1961 census was not on the basis of language but of religion. Chief Khalsa Diwan also denounced these terms of reference. Its press note said :

“The 1961 and 1951 census recordings were on communal lines and did not convey the real number of Punjabi and Hindi speaking people.....For this reason soon after the 1961 census, the then Prime Minister condemned its language recordings as “false and unreliable.” What an irony of facts that in the terms of reference the present Home Minister should ask the Commission to give due regard to these figures.”⁹⁰

In spite of these protests the Boundary Commission submitted its report relying on 1961 census figures. The report declared Gurdaspur, Hoshiarpur, Amritsar, Kapurthala, Jullundur, Ludhiana, Ferozepur, Bhatinda and part of Sangrur District excluding Jind and Narwana tehsils, Patiala district and Rupar tehsil of Ambala district, as parts of Punjabi Suba. The

majority of the Commission, by two to one, declared Chandigarh and also Kharar sub-tehsil of Ambala District to be part of Haryana State. In his dissenting note, third member of the Commission, Mr. Subimal Dutt, favoured the inclusion of Kharar and Chandigarh in Punjabi Suba on the following grounds :

- “(i) though according to the census of 1961, the basis of demarcation, the Hindi-speaking population in Kharar tehsil is no doubt 52.2%, the Punjabi-speaking population in the rural areas is 56.2%;
- (ii) under the Sachar Formula of 1949, Kharar Tehsil had been placed in the Punjabi region;
- (iii) the Hindu population in Chandigarh Capital project is purely migratory, having come from Uttar Pradesh and Rajasthan for labour only. Therefore, Kharar tehsil and Chandigarh cannot be considered to be Hindi-speaking.”

Sikhs rejected the report as it smack of communalism. Akali Dal (Master Tara Singh) on 20th July, 1966 passed the following resolution :

“Sikhs Resolve and Proclaim their determination to resist, through all legitimate means, all attempts to devalue and liquidate the Sikh people in a free India, and consequently, demand that the following steps should be taken forth with by the rulers of India to assure and enable the Sikhs to live as respectable and equal citizens of the Union of India, namely, first areas deliberately and intentionally cut off and not included in the new Punjab to be set up, namely the area of Gurdaspur District including Dalhousie, Ambala district including Chandigarh, Pinjore, Kalka and Ambala Saddar, the entire Una Tehsil of Hoshiarpur district, the areas of Nalagarh called Desh, the tehsil of Sirsa, the sub-tehsil of Tohana and Guhla, and Ratia block of Hissar district, Shahbad block of district Karnal, and the contiguous portion of the Ganganagar district of Rajasthan must now be immediately included in the new proposed Punjab so as to bring all contiguous Sikh areas into an administrative unit, to be the Sikh Homeland,

wherein the Sikh interests are of special importance, within the Union of India, and secondly, such a new Punjab should be granted an autonomous constitutional status on the analogy of the Status of Jammu and Kashmir as was envisaged in the Constitution Act of India in the year 1950."

Government accepted the minority report regarding Kharar but declared Chandigarh to be a Union Territory. The Punjab Reorganisation Bill was introduced in the Lok Sabha on 3rd September, 1966. The Bill provided for common links between Punjab and Haryana such as a common governor, a common High Court, a common Electricity Board, the Financial Corporation and the Housing Corporation etc. It also provided for central take-over of Chandigarh and of the Bhakra and Beas Dam projects.

S. Kapoor Singh speaking on behalf of Akali Dal described it as detcrious for the Sikhs and declared :

"On behalf of the Sikh people represented by the Shiromni Akali Dal, I reject the entire schemata of this Bill and oppose it.....I reject it on behalf of my parent Party Shiromni Akali Dal.⁹¹

However, in spite of Sikh's opposition the Bill was passed and it came into force on 1st November, 1966.

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APPENDICES

APPENDIX 1

POPULATION STATISTICS

Sikh Population Statistics

TABLE 3.1 Sikhs in their total Indian context

	<i>Punjab</i>	<i>India</i>	<i>Total population of India</i>
1881	1,706,909 ¹	1,853,526	253,896,330
1891	1,849,371	1,907,833	287,314,671
1901	2,130,987	2,195,339	294,361,056
1911	2,883,729	3,014,466	315,156,396
1921	3,110,060	3,238,803	318,942,480
1931	4,071,624	4,333,771	352,837,778
1941	5,116,185	5,691,447	388,997,955
1951	After 1947 the	6,219,134 ²	360,950,365 ³
1961	term Punjab	7,845,843	439,072,582
1971	assumes a different meaning and the figures cease to be comparable with those of the 1881-1941 period.	10,378,797	518,159,652

1. Including Delhi.

2. Fire destroyed 268,602 enumeration records of the Punjab centre.

3. Pakistan had now come into existence, hence the apparent decline in India's population.

APPENDIX 2

ANGLO-SIKH TREATY OF FRIENDSHIP

THE TREATY WITH LAHORE OF 1806

Treaty of Friendship and Unity between the Honourable East India Company and the Sardars Ranjit Singh and Fateh Singh.

Sardar Ranjit Singh and Sardar Fateh Singh have consented to the following articles of agreement, concluded by Lieutenant-Colonel John Malcolm, under the special authority of the Right Honourable Lord Lake, himself duly authorized by the Honourable Sir George Hilario Barlow, Bart., Governor-General, and Sardar Fateh Singh, as principal on the part of himself, and plenipotentiary on the part of Ranjit Singh :

Article 1. Sardar Ranjit Singh and Sardar Fateh Singh Ahluwalia hereby agree that they will cause Jaswant Rao Holkar to remove with his army to the distance of thirty coss from Amritsar immediately, and will never hereafter hold any further connection with him, or aid or assist him with troops, or in any other manner whatever; and they further agree that they will not in any way molest such of Jaswant Rao Holkar's followers or troops as are desirous of returning to their homes in the Deccan, but, on the contrary, will render them every assistance in their power for carrying such intention into execution.

Article 2. The British Government hereby agrees, that in case a pacification should not be effected between that Government and Jaswant Rao Holkar, the British army shall move from its present encampment, on the banks of the river Beas, as soon as Jaswant Rao Holkar, aforesaid shall have marched his army to the distance of thirty coss from Amritsar; and that, in any treaty which may hereafter be concluded between the British Government and Jaswant Rao Holkar, it shall be stipulated that, immediately after the conclusion of the said treaty, Holkar shall evacuate the territories of the Sikhs, and march towards his own, and that he shall in no way whatever injure or destroy such parts of the Sikh country as may lie in his route. The British Government further agrees that, as long as the said Chieftains, Ranjit Singh and Fateh Singh,

abstain from holding any friendly connection with the enemies of that Government, or from committing any act of hostility on their own parts against the said Government, the British armies shall never enter the territories of the said Chieftains, nor will the British Government form any plans for the seizure or sequestration of their possessions or property.

Dated 1st January, 1806.

APPENDIX 3

ANGLO-SIKH-AFGHAN TREATY

INDUS NAVIGATION TREATY OF 1832

Articles of a Convention established between the Honourable the East India Company, and His Highness the Maharaja Ranjit Singh, the Ruler of the Punjab, for the opening of the Navigation of the Rivers Indus and Sutlej.

By the grace of God, the relations of firm alliance and indissoluble ties of friendship existing between the Honourable the East India Company and His Highness the Maharaja Ranjit Singh, founded on the auspicious treaty formely concluded by Sir C.T. Metcalf, Bart., and since confirmed in the written pledge of sincere amity presented by the Right Honourable Lord W.C. Bentinck, G.C.B. and G.C.H., Governor-General of British India, at the meeting at Rupar, are, like the sun, clear and manifest to the whole world, and will continue unimpaired, and increasing in strength from generation to generation : By virtue of these firmly established bonds of friendship, since the opening of the navigation of the rivers Indus proper (*i.e.* Indus below the confluence of the Panjnad) and Sutlej (a measure deemed expedient by both States, with a view to promote the general interests of commerce),—has lately been effected through the agency of Captain C.M. Wade, Political Agent at Ludhiana, deputed by the Right Honourable the Governor General for that purpose. The following articles, explanatory of the conditions by which the

said navigation is to be regulated, as concerns the nomination of officers, the mode of collecting the duties, and the protection of the trade by that route, have been framed, in order that the officers of the two States employed in their execution may act accordingly :

Article 1. The provisions of the existing treaty relative to the right bank of the river Sutlej and all its stipulations, together with the contents of the friendly pledge already mentioned, shall remain binding, and a strict regard to preserve the relations of friendship between the two States shall be the ruling principle of action. In accordance with that treaty, the Honourable Company has not, nor will have any concern with the right bank of the river Sutlej.

Article 2. The tariff which is to be established for the line of navigation in question is intended to apply exclusively to the passage of merchandize by that route, and not to interfere with the transit duties levied on goods proceeding from one bank of the river to the other, nor with the places fixed for their collection : they are to remain as heretofore.

Article 3. Marchants frequenting the same route, while within the limits of the Maharaja's Government, are required to show a due regard to his authority, as is done by merchants generally, and not to commit any acts offensive to the civil and religious institutions of the Sikhs.

Article 4. Any one purposing to go the side route will intimate his intention to the agent of either State and apply for a passport, agreeably to a form to be laid down; having obtained which, he may proceed on his journey. The merchants coming from Amritsar, and other parts on the right bank of the river Sutlej, are to intimate their intentions to the agent of the Maharaja, at Harike, or other appointed places, and obtain a passport through him; and merchants coming from Hindustan, or other parts on the left bank of the river Sutlej, will intimate their intentions to the Honourable Company's agent, and obtain a passport through him. As foreigners, and Hindustanis, and Sardars of the protected Sikh States and elsewhere, are not in the habit of crossing the Sutlej without a passport from the Maharaja's officers, it is expected that such persons will hereafter also conform to the same rule, and not cross without the usual passports.

Article 5. A tariff shall be established exhibiting the rate of duties leviable on each description of merchandize, which, after having been approved by both Governments, is to be the standard by which the superintendents and collectors of customs are to be guided.

Article 6. Merchants are invited to adopt the new route with perfect confidence: no one shall be suffered to molest them or unnecessarily impede their progress, care being that they are only detained for the collection of the duties, in manner stipulated, at the established stations.

Article 7. The officers who are to be entrusted with the collection of the duties and examination of the goods on the right bank of the river shall be stationed at Mithankot and Harike; at no other places but these two shall boats in transit on the river be liable to examination or stoppage. When the persons in-charge of boats stop of their own accord to take in or give out cargo, the goods will be liable to the local transit duty of the Maharaja's Government, previously to their being landed, as provided in article 2. The superintendent stationed at Mithankot having examined the cargo, will levy the established duty, and grant a passport, with a written account of the cargo and freight. On the arrival of the boat at Harike, the superintendent of that station will compare the passport with the cargo; and whatever goods are found in excess will be liable to the payment of the established duty, while the rest, having already paid duty at Mithankot, will pass on free. The same rule shall be observed in respect to merchandize conveyed from Harike by the way of the rivers towards Sind, that whatever may be fixed as the share of duties on the right bank of the river Sutlej, in right of the Maharaja's own dominions and of those in allegiance to him, the Maharaja's officers will collect it at the places appointed. With regard to the security and safety of merchants who may adopt this route, the Maharaja's officers shall afford them every protection in their power; and merchants, on halting for the night on either bank of the Sutlej, are required, with reference to the treaty of friendship which exists between the two States, to give notice, and to show their passport to the Thanadar, or officers in authority at the place, and request protection for themselves: if, notwithstanding this precaution, loss should at any time

occur, a strict inquiry will be made, and reclamation sought from those who are blameable. The articles of the present treaty for opening the navigation of the rivers above mentioned, having, agreeably to subsisting relations, been approved by the Right Honourable the Governor-General, shall be carried into execution accordingly.

Dated at Lahore the 26th of December, 1832.

THE TRIPARTITE TREATY WITH RANJIT SINGH AND SHAH SHUJA OF 1838

Treaty of Alliance and friendship between Maharaja Ranjit Singh and Shah Shuja-ul-Mulk, with the approbation of, and in concert with the British Government. (Done at Lahore, 26th June, 1838, signed at Simla, 25th June, 1839.)

Whereas a treaty was formerly concluded between Maharaja Ranjit Singh and Shah Shuja-ul-Mulk, consisting of fourteen Articles, exclusive of the preamble and the conclusion : And whereas the execution of the provisions of the said treaty was suspended for certain reasons : And whereas at this time, Mr. W.H. Macnaghten having been deputed by the Right Honourable George Lord Auckland, G.C.B., Governor-General of India, to the presence of Maharaja Ranjit Singh, and vested with full powers to form a treaty, in a manner consistent with the friendly engagements subsisting between the two States, the treaty aforesaid is revived, and concluded with certain modifications, and four new articles have been added thereto, with the approbation of, and in concert with the British Government, the provisions whereof, ascertained in the following eighteen Articles, will be duly and faithfully observed :

Article 1. Shah Shuja-ul-Mulk, disclaims all title on the part of himself, his heirs and successors, and all the Sadozais, to all the territories lying on either bank of the river Indus, that may be possessed by the Maharaja, viz., Kashmir, including its limits, E., W., N., S., together with the fort of Attock, Chack-Hazara, Khabal, Amb. with its dependencies, on the left bank of the aforesaid river, and on the right bank Peshawar, with the Yusufzai territory, and the Khataks, Hashtnagar, Michni, Kohat, Hanggu, and all places dependent

on Peshawar, as far as the Khyber Pass, Bannu, the Waziri's territory Daur-Tank, Garang, Kalabagh and Khushalgarh, with their dependent districts, Dera Ismail Khan, and its dependency, Kot Mithan, Umar Kot, and their dependent territory, Sanghar, Harrand-Dajal, Hajipur, Rajanpur, and three Kutches, as well as Mankehra, with its district, and the province of Multan, situated on the left bank. These countries, and places are considered to be the property, and to form the estate, of the Maharaja; the Shah neither has nor will have any concern with them; they belong to the Maharaja and his posterity from generation to generation.

Article 2. The people of the country on the other side of Khyber will not be suffered to commit robberies, or aggressions, or any disturbances on this side. If any defaulter of either State, who has embezzled the revenue, take refuge in the territory of the other, each party engages to surrender him, and no person shall obstruct the passage of the stream which issues out of the Khyber defile, and supplies the fort of Fatehgarh with water according to ancient usage.

Article 3. As agreeably to the treaty established between the British Government and the Maharaja, no one can cross from the left to the right bank of the Sutlej without a passport from the Maharaja, the same rule shall be observed regarding the passage of the Indus, whose waters join the Sutlej, and no one shall be allowed to cross the Indus without the Maharaja's permission.

Article 4. Regarding Shikarpur and the territory of Sind, on the right bank of the Indus, the Shah will agree to abide by whatever may be settled as right and proper, in conformity with the happy relations of friendship subsisting between the British Government and the Maharaja through Captain Wade.

Article 5. When the Shah shall have established his authority in Kabul and Kandahar, he will annually send the Maharaja the following articles, viz., 55 high-bred horses of approved colour, and pleasant paces; 11 Persian scimeters; 7 Persian poniards; 25 good mules; fruits of various kinds, both dry and fresh; and Sardas or Musk melons, of a sweet and delicate flavour (to be sent throughout the year by the way of the Kabul river to Peshawar); grapes, pomegranates,

apples, quinces, almonds, raisins, pistahs or chestnuts, an abundant supply of each; as well as piecess of satin of every colour: chogas of fur; kimkhab wrought with gold and silver; and Persian carpets, altogether to the number of 101 pieces,—all these articles the Shah will continue to send every year to the Maharaja.

Article 6. Each party shall address the other on terms of equality.

Article 7. Merchants of Afghanistan who may be desirous of trading to Lahore, Amritsar, or any other parts of the Maharaja's possessions, shall not be stopped or molested on their way; on the contrary, strict orders shall be issued to facilitate their intercourse, and the Maharaja engages to observe the same line of conduct on his part, in respect to traders who may wish to proceed to Afghanistan.

Article 8. The Maharaja will yearly send to the Shah the following articles in the way of friendship: 55 pieces of shawls: 25 pieces of muslin; 11 dooputtahs; 5 pieces of kimkhab; 5 scarfs; 5 turbans; 55 loads of Bareh rice (peculiar to Peshawar).

Article 9. Any of the Maharaja's officers, who may be deputed to Afghanistan to purchase horses, or on any other business, as well as those who may be sent by the Shah into the Punjab, for the purpose of purchasing piece goods, or shawls, &c., to the amount of 11,000 rupees, will be treated by both sides with due attention, and every facility will be afforded to them in the execution of their commission.

Article 10. Whenever the armies of the two States may happen to be assembled at the same place, on no account shall the slaughter of kine be permitted to take place.

Article 11. In the event of the Shah taking an auxiliary force from the Maharaja, whatever booty may be acquired from the Barakzais in jewels, horses, arms, great and small, shall be equally divided between the two contracting parties. If the Shah should succeed in obtaining possession of their property, without the assistance of the Maharaja's troops, the Shah agrees to send a portion of it by his own agent to the Maharaja in the way of friendship.

Article 12. An exchange of missions charged with letters and presents shall constantly take place between the two parties.

Article 13. Should the Maharaja require the aid of any of the Shah's troops in furtherance of the objects contemplated by this treaty, the Shah engages to send a force commanded by the one of his principal officers; in like manner the Maharaja will furnish the Shah, when required, with an auxiliary force, composed of Muhammadans, and commanded by one of the principal officers, as far as Kabul, in furtherance of the objects contemplated by this treaty. When the Maharaja may go to Peshwar, the Shah will depute a Shahzada to visit him, on which occasions the Maharaja will receive and dismiss him with the honour and consideration due to his rank and dignity.

Article 14. The friends and enemies of each of the three high powers, that is to say, the British and Sikh Governments and Shah Shuja-ul-Mulk, shall be the friends and enemies of all.

Article 15. Shah Shuja-ul-Mulk engages, after the attainment of his object, to pay without fail to the Maharaja the sum of two lakhs of rupees, of the Nanakshahi or Kaldar currency, calculating from the date on which the Sikh troops may be dispatched for the purpose of reinstating His Majesty in Kabul, in consideration of the Maharaja stationing a force of not less than 5000 men, cavalry and infantry, of the Muhammadan persuasion, within the limits of the Peshawar territory, for the support of the Shah, and to be sent to the aid of His Majesty, whenever the British Government, in concert and counsel with the Maharaja, shall deem their aid necessary; and when any matter of great importance may arise to the westward, such measures will be adopted with regard to it as may seem expedient and proper at the time to the British and Sikh Governments. In the event of the Maharaja's requiring the aid of any of the Shah's troops a deduction shall be made from the subsidy proportioned to the period for which such aid may be afforded, and the British Government holds itself responsible for the punctual payment of the above sum annually to the Maharaja, so long as the provisions of this treaty are duly observed.

Article 16. Shah Shuja-ul-Mulk agrees to relinquish for himself, his heirs, and successors, all claims of supremacy and arrears of tribute over the country now held by the Amirs of Sind (which will continue to belong to the Amirs and their successors in perpetuity), on condition of the payment to him by the Amirs of such a sum as may be determined under the mediation of the British Government; 1,500,000 of rupees of such payment being made over by him to Maharaja Ranjit Singh. On these payments being completed, article 4th of the treaty of the 12th March, 1833, will be considered cancelled, and the customary interchange of letters and suitable presents between the Maharaja and the Amirs of Sind shall be maintained as heretofore.

Article 17. When Shah Shuja-ul-Mulk shall have succeeded in establishing his authority in Afghanistan, he shall not attack or molest his nephew; the ruler of Herat, in the possession of the territories now subject to his Government.

Article 18. Shah Shuja-ul-Mulk binds himself, his heirs, and successors, to refrain from entering into negotiations with any foreign State without the knowledge and consent of the British and Sikh Governments, and to oppose any power having the design to invade the British and Sikh territories by force of arms, to the utmost of his ability.

The three powers, parties to this treaty, namely, the British Government, Maharaja Ranjit Singh, and Shah Shuja-ul-Mulk, cordially agree to the foregoing articles. There shall be no deviations from them, and in that case the present treaty shall be considered binding for ever, and this treaty shall come into operation from and after the date on which the seals and signatures of the three contracting parties shall have been affixed thereto.

Done at Lahore, this 26th day of June, in the year of our Lord 1838, corresponding with the 15th of the month of Assarh 1895, era of Bikramajit.

Ratified by the Right Honourable the Governor-General at Simla, on the 23rd day of July, A.D. 1838.

Auckland.

Ranjit Singh.

Shuja-ul-Mulk.

INDUS AND SUTLEJ TOLL AGREEMENT OF 1839

Agreement entered into with the Government of Lahore, regarding the Duties to be levied on the Transit of Merchandize by the Rivers Sutlej and Indus, in modification of the Supplementary Articles of the Treaty of 1832 (Dated 19th May, 1839).

Objections having been urged against the levy of the same duty on a boat of small as one of a large size, and the merchants having solicited that the duties might be levied on the maudage, or measurement, of the boats, or on the value of the goods, it is, therefore, agreed, that hereafter the whole duty shall be paid at one place, and either at Ludhiana or Ferozepur, or at Mithankot; and that the duty be levied on the merchandize, and not on the boats, as follows :

Pushmeena	per	maund	10 rupees.
Opium	„	„	7½ rupees.
Indigo	„	„	2½ rupees.
Dried fruits	„	„	1 rupee.
Superior silks, muslins, broad, &c.			6 annas.
Inferior silks, cottons, chintzes			4 annas.

On Exports from the Punjab

Sugar, ghee, oil, drugs, ginger, saffron, and cotton...	per maund	4 annas
Madder	„ „	8 annas.
Grain	„ „	2 annas.

On Imports from Bombay

All imports whatever	per maund	4 annas.
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APPENDIX 4

DECLARATION OF ANGLO-WAR

DECLARATION OF WAR OF 1845
PROCLAMATION BY THE GOVERNOR-GENENRAL
OF INDIACamp Lashkari Khan Ke Serai,
December 13th, 1845.

The British Government has ever been on terms of friendship with that of the Punjab.

In the year 1809, a treaty of amity and concord was concluded between the British Government and the late Maharaja Ranjit Singh the conditions of which have always been faithfully observed by the British Government, and were scrupulously fulfilled by the late Maharaja.

The same friendly relations have been maintained with the successors of Maharaja Ranjit Singh by the British Government up to the present time.

Since the death of late Maharaja Sher Singh, the disorganized state of Lahore Government has made it incumbent on the Governor-General in Council to adopt precautionary measures for the protection of the British frontier : the nature of these measures, and the cause of their adoption, were at the time, fully explained to the Lahore Durbar.

Notwithstanding the disorganized state of the Lahore Government during the last two years, and many most unfriendly proceedings on the part of the Durbar, the Governor-General in Council has continued to evince his desire to maintain the relations of amity and concord which has so long existed between the two States, for the mutual interests and happiness of both. He has shown, on every occasion, the utmost forbearance, and consideration to the helpless state of the infant Maharaja Dalip Singh, whom the British Government had recognized as the successor to the late Maharaja Sher Singh.

The Governor-General in Council sincerely desired to see a strong Sikh Government re-established in the Punjab, able to control its army, and to protect its subjects ; he had not, up to

the present moment, abandoned the hope of seeing that important object effected by the patriotic efforts of the Chiefs and people of that country.

The Sikh army recently marched from Lahore towards the British frontier, as it was alleged, by the Durbar, for the purpose of invading the British territory.

The Governor-General's Agent, by direction of the Governor-General, demanded an explanation of his movement, and no reply being returned within a reasonable time, the demand was repeated. The Governor-General unwilling to believe in the hostile intentions of the Sikh Government to which no provocation had been given, refrained from taking any measures which might have a tendency to embarrass the Government of the Maharaja, or to induce collision between the two States.

When no reply was given to the repeated demand for explanation, while active military preparations were continued at Lahore, the Governor-General considered it necessary to order the advance of troops towards the frontier, to reinforce the frontier posts.

The Sikh army has now, without a shadow of provocation, invaded the British territories.

The Governor-General must therefore take measures for effectually protecting the British provinces, for vindicting the authority of the British Government, and for punishing the violators of treaties and the disturbers of the public peace.

The Governor-General hereby declares the possession of Maharaja Dalip Singh, on the left or British bank of the Sutlej, confiscated and annexed to the British territories.

The Governor-General will respect the existing rights of all Jagirdars, Zamindars, and tenants in the said possessions, who, by the course they now pursue, evince their fidelity to the British Government.

The Governor-General hereby calls upon all the Chiefs and Sardars in the protected territories to co-operate cordially with the British Government for the punishment of the common enemy, and for the maintenance of order in these States. Those of the Chiefs who show alacrity and fidelity in the discharge of this duty, which they owe to the protecting power, will find their interests promoted hereby; and those who take a con-

trary course will be treated as enemies to the British Government, and will be punished accordingly.

The inhabitants of all the territories on the left bank of the Sutlej are hereby directed to abide peaceably in their respective villages, where they will receive efficient protection by the British Government. All parties of men found in armed bands, who can give no satisfactory account of their proceedings, will be treated as disturbers of the public peace.

All subjects of the British Government, and those who possess estates on both sides of the river Sutlej, who, by their faithful adherence to the British Government, may be liable to sustain loss, shall be indemnified and secured in all their just rights and privileges.

On the other hand, all subjects of the British Government who shall continue in the service of the Lahore State, and who disobey the proclamation by not immediately returning to their allegiance, will be liable to have their property on this side of the Sutlej confiscated, and themselves declared to be aliens and enemies of the British Government.

APPENDIX 5

ANNEXATION OF SIKH KINGDOM

SECOND TREATY WITH LAHORE OF 1846

Foreign Department, Camp Bhyrowal Ghat, on the left bank of the Beas, the 22nd December, 1846.

The late Governor of Kashmir, on the part of the Lahore State, Sheikh Imam-ud-din, having resisted by force of arms the occupation of the province of Kashmir by Maharaja Gulab Singh, the Lahore Government was called upon to coerce their subject, and to make over the province to the representative of the British Government, in fulfilment of the conditions of the treaty of Lahore, dated 9th March, 1846.

A British force was employed to support and aid, if necessary, the combined forces of the Lahore State and Maharaja Gulab Singh in the above operations.

Sheikh Imam-ud-din intimated to the British Government that he was acting under orders received from the Lahore

Durbar in the course he was pursuing ; and stated that insurrection had been instigated by written instructions received by him from the Vazier Raja Lal Singh.

Sheikh Imam-ud-din surrendered to the British Agent on a guarantee from that officer, that if the Sheikh could, as he asserted, prove that his acts were in accordance with his instructions, and that the opposition was instigated by the Lahore Minister, the Durbar should not be permitted to inflict upon him, either in his person or his property, any penalty on account of his conduct on this occasion. The British agent pledged his Government to a full and impartial investigation of the matter.

A public inquiry was instituted into the facts adduced by Sheikh Imam-ud-din, and it was fully established that Raja Lal Singh did secretly instigate the Sheikh to oppose the occupation by Maharaja Gulab Singh of the province of Kashmir.

The Governor-General immediately demanded that the Ministers and Chiefs of the Lahore State should depose and exile to the British provinces the Vazier Raja Lal Singh.

His Lordship consented to accept the deposition of Raja Lal Singh as an atonement for the attempt to infringe the treaty by the secret intrigues and machinations of the Vazier. It was not proved that the other members of the Durbar had cognizance of the Vazier's proceedings ; and the conduct of the Sardars, and of the Sikh army in the late operations for quelling the Kashmir insurrection, and removing the obstacles to the fulfilment of the treaty, proved that the criminality of the Vazier was not participated in by the Sikh nation.

The Ministers and Chiefs unanimously decreed, and carried into immediate effect, the deposition of the Vazier.

After a few days' deliberations, relative to the means of forming a Government at Lahore, the remaining members of the Durbar, in concert with all the Sardars and Chiefs of the State, solicited the interference and aid of the British Government for the maintenance of an administration, and the protection of the Maharaja Dalip Singh during the minority of his Highness.

The solicitation by the Durbar and Chiefs has led to the temporary modification of the relations between the British

Government and that of Lahore, established by the treaty of the 9th March of the present year.

The terms and conditions of this modification are set forth in the following articles of Agreement.

Articles of Agreement concluded between the British Government and the Lahore Darbar on 16th December, 1846.

Whereas the Lahore Durbar and the principal Chiefs and Sardars of the State have, in express terms, communicated to the British Government their anxious desire that the Governor-General should give his aid and his assistance to maintain the administration of the Lahore State during the minority of Maharaja Dalip Singh, and have declared this measure to be indispensable for the maintenance of the Government: And whereas the Governor-General has, under certain conditions, consented to give the aid and assistance solicited, the following articles of agreement, in modification of the articles of agreement, executed at Lahore on the 11th March last, have been concluded, on the part of the British Government, by Frederick Currie, Esq., Secretary to the Government of India, and Lieutenant-Colonel Henry Montgomery Lawrence, C.B., Agent to the Governor-General, North-West Frontier, by virtue of full powers to that effect vested in them by the Right Honourable Viscount Hardinge, G.C.B., Governor-General, and on the part of his Highness Maharaja Dalip Singh, by Sardar Tej Singh, Sardar Sher Singh, Dewan Dina Nath, Fakir Nur-ud-din, Rai Kishan Chand, Sardar Ranjor Singh Majithia, Sardar Attar Singh Kaliwala, Bhai Nidhan Singh, Sardar Khan Singh Majithia, Sardar Shamsheer Singh, Sardar Lal Singh Moraria, Sardar Kehar Singh Sindhanwalia, Sardar Arjun Singh Rangranglia, acting with the unanimous consent and concurrence of the Chiefs and Sardars of the State assembled at Lahore.

Article 1. All and every part of the treaty of peace between the British Government and the State of Lahore, bearing date the 9th day of March, 1846, except in so far as it may be temporarily modified in respect to clause 15 of the said treaty by this engagement, shall remain binding upon the two Governments.

Article 2. A British officer, with an efficient establishment of assistants, shall be appointed by the Governor-General to

remain at Lahore, which officer shall have full authority to direct and control all matters in every department of the State.

Article 3. Every attention shall be paid, in conducting the administration according to the feeling of the people, to preserving the national institutions and customs, and to maintain the just rights of all classes.

Article 4. Changes in the mode and details of administration shall not be made, except when found necessary for effecting the objects set forth in the foregoing clause, and for securing the just dues of the Lahore Government. These details shall be conducted by native officers, as at present, who shall be appointed and superintended by a Council of Regency, composed of leading Chiefs and Sardars, acting under the control and guidance of the British Resident.

Article 5. The following persons shall in the first instance constitute the Council of Regency, viz., Sardar Tej Singh, Sardar Sher Singh Attariwala, Dewan Dina Nath, Fakir Nur-ud-din, Sardar Ranjor Singh Majithia, Bhai Nidhan Singh, Sardar Attar Singh Kaliwala, Sardar Shamsheer Singh Sindhanwiala; and no change shall be made in the persons thus nominated, without the consent of the British Resident, acting under the orders of the Governor-General.

Article 6. The administration of the country shall be conducted by this Council of Regency in such manner as may be determined on by themselves in consultation with the British Resident, who shall have authority to direct and control the duties of every department.

Article 7. A British force, of such strength and numbers, and in such positions, as the Governor-General may think fit, shall remain at Lahore for the protection of the Maharaja, and the preservation of the peace of the country.

Article 8. The Governor-General shall be at liberty to occupy with British soldiers any fort or military post in the Lahore territories, the occupation of which may be deemed necessary by the Government for the security of the capital, or for maintaining the peace of the country.

Article 9. The Lahore State shall pay to the British Government twenty-two lacs of new Nanakshahi rupees of full tale and weight per annum, for the maintenance of this force, and to meet the expenses incurred by the British Government ;

such sum to be paid by two instalments, or 13 lacs and 20,000 in May or June, and 8 lacs and 80,000 in November or December of each year.

Article 10. Inasmuch as it is fitting that her Highness the Maharani, the mother of Maharaja Dalip Singh, should have a proper provision made for the maintenance of herself and dependents, the sum of 1 lac and 50,000 rupees shall be set apart annually for that purpose, and shall be at her Highness's disposal.

Article 11. The provisions of this agreement shall have effect during the minority of his Highness Maharaja Dalip Singh, and shall cease and terminate on his Highness attaining the full age of 16 years, or on the 4th September of the year 1854 ; but it shall be competent to the Governor-General to cause the arrangement to cease, at any period prior to the coming of age of his Highness, at which the Governor-General and the Lahore Durbar may be satisfied that the interposition of the British Government is no longer necessary for maintaining the Government of his Highness the Maharaja.

This agreement, consisting of eleven articles, was settled and executed at Lahore, by the officers and Chiefs and Sardars above named, on the 16th day of December 1846.

TERMS GRANTED TO, AND ACCEPTED BY MAHARAJA DALIP SINGH (1849)

Terms granted to the Maharaja Dalip Singh Bahadur, on the part of the Honourable East India Company, by Henry Meirs Elliot, Esqr., Foreign Secretary to the Government of India, and Lieutenant-Colonel Sir Henry Montgomery Lawrence, K.C.B., Resident, in virtue of full powers vested in them by the Right Honourable James, Earl of Dalhousie, Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council, Governor-General appointed by the Honourable East India Company to direct and control all their affairs in the East Indies, and accepted on the part of his Highness the Maharaja, by Raja Tej Singh, Raja Dina Nath, Bhai Nidhan Singh, Fakir Nur-uddin, Gundur Singh, Agent of Sardar Sher Singh Sindhanwiala, and Sardar Lal Singh, Agent and son of Sardar Attar Singh.

Kalianwala, Members of the Council of Regency, invested with full power and authority on the part of his Highness.

1st. His Highness the Maharaja Dalip Singh shall resign for himself, his heirs, and his successors, all right, title, and claim to the sovereignty of the Punjab, or to any sovereign power whatever.

2nd. All the property of the State, of whatever description and wheresoever found, shall be confiscated to the Honourable East India Company, in part payment of the debt due by the State of Lahore to the British Government, and of the expenses of the war.

3rd. The gem called the Koh-i-Nur, which was taken from Shah Shuja-Mulk by Maharaja Ranjit Singh, shall be surrendered by the Maharaja of Lahore to the Queen of England.

4th. His Highness Dalip Singh shall receive from the Honourable East India Company, for the support of himself, his relatives, and the servants of the State, a pension not less than four and not exceeding five lakhs of Company's rupees per annum.

5th. His Highness shall be treated with respect and honour. He shall retain the title of Maharaja Dalip Singh Bahadur, and he shall continue to receive, during his life, such portion of the above-named pension as may be allotted to himself personally, provided he shall reside at such place as the Governor-General of India may select.

Granted and accepted at Lahore, on the 29th of March, 1849, and ratified by the Right Honourable the Governor-General on the 5th April, 1849.

APPENDIX 6

NOTIFICATION PROHIBITING ENTRY IN GOLDEN TEMPLE

THE PRIESTS OF AMRITSAR

Having complained of Annoyances, this is make known to all concerned, that by order of the Governor General, British subjects are forbidden to enter the temple (called the durbar) or

its precincts at Amritsar, or indeed any Temple, with their shoes. Nor are the Sikhs to be molested, or any way to be interfered with. Shoes are to be taken off at the bunga at the corner of the tank and no person is to walk round the tank with his shoes on.

LAHORE

H.M. Lawrence

March 24TH, 1847

Resident

APPENDIX 7

MAHARAJA DALIP SINGH PROCLAIMS SOVEREIGNTY

A

NO. 1

DATED PARIS, THE 15TH JULY, 1886

By the grace of Sri Sat Guru ji we Maharaja Dalip Singh, the lawful sovereign of the Sikh nation, under treaty of Bhyrowal entered into without coercion between ourselves and our Darbar on the one part and Great Britain on the other, do from hereby in consequence of the insults and indignities repeatedly offered to us—of which the recent imprisonment inflicted on us at Aden is a proof as well as on account of non-fulfilment with us of the stipulations of the Treaty of annexation of the Punjab by the Indian administration, set aside and annul that iniquitous and illegal document, the so called “Terms granted”, which was extorted from us in 1849 by our wicked Guardian, the Christian British nation, when we were an infant of only 11 years of age, and by the above first mentioned covenant, under the protection of England.

Wah Guru Jee dee Fateh.

Sd. Dalip Singh,
Maharaja of Sikhs
under Treaty of
Bhyrowal 1846.

B

NO. 2

PARIS, 1886

Brother Princes and Nobles and the people of beloved Hindustan.

By the grace of Almighty God, the Creator of the Universe, the most merciful and gracious, and of Sri Govind Singh ji.

We Maharaja Dalip Singh, the lawful sovereign of the Sikh Nation, have set aside and annulled that treaty of annexation of the Punjab, to the disgrace of Great Britain, be it said, was extorted from us and our Darbar, when we were of tender age, and ward of Christian England under the treaty of of Bhyrowal 1846 (in order to lay his wicked hands on our dominions) by the late Unscrupulous Marquis of Dalhousie.

But the moral (ii) British nation is no respecter of "Solemn covenants" and treaties when its own interests are at variance with the interests of the weaker contracting parties thereto; as most of you as well as ourselves know by experience.

No doubt, your mighty rulers will call upon you to refute the above assertion, but dare they deny that it is not their hearts what that leading journal in England "*The Times*" not very long since (in spite of the proclamation issued when it suited the purposes of Great Britain in the name of the Empress of India immediately after the suppression of the mutiny of 1857, to the effect that the internal administration of your respective dominions would not be interfered with by Her Majesty's representatives in Hindustan) advocated, *viz.*, the abolition of your armies, the maintenance of which is dearer to you than life itself. But fortunately for your friends, just about that time a storm commenced to gather on the north-west frontier of India, in the presence of which your mighty rulers did not feel themselves sufficiently strong to carry out such highbanded measures and you escaped therefore the fate intended for you.

However, let us hope now that evil day may never dawn upon you, for the poor old British lion is becoming so treppid indeed as to show the "white feather" at the mere buzzing of a gnat but that, however, is not to be wondered at, because that Sikh is the son of the renowned lion of the Punjab as

well as the lawful sovereign of the Sikh nation, and like his people, who by their valour saved the British empire in Hindustan in 1857 from utter annihilation, at least, fears no odds that might be opposed to him.

The poet spoke truly when he said, "It is conscience that makes cowards."

Yes, the Government of India are conscious of the wickedness practised by them towards us, the ward of the righteous British nation, and tremble lest we should come and avenge the wrong inflicted upon us by our guardian. For in great trepidation, they offered us £ 50,000 in full satisfaction of our just claims provided we signed a protocol never to return to Hindustan without their permission.

But their Christian immorality knows no bound, for rather than render justice, the Government have preferred to commit another and still greater wrong so as to try to cover the first by refusing us a court composed of Law Lords of the House of Peers to enquire into and to arbitrate these (admitted by Lord Salisbury to be so) "controverted matters on the miserable plea that they had not the power to appoint such a tribunal. The Government of Great Britain powerless to grant a court of arbitration ! ! ! ! Ah ! what mockery ! what falsehood ! ! ! ! On our part, however, we should have cheerfully accepted the verdict of such a court as final had it awarded us but a single pice in damages.

We, therefore, appeal to your oriental generosity, Brother princes and Nobles and the people of Hindustan, as we vastly prefer to suffer the greatest degradation, humiliation and shame of *Bheekh Mangna* or begging our bread from you beloved countrymen, to being under any pecuniary obligation to such a most iniquitously unjust, tyrannical and foreign Government, who, though professing code of high morality, piously swindled us out of our kingdom, and defrauded us of all our private property, both of which the British nation as our guardian under the Treaty of Bhyrowal 1846 had taken upon itself to protect during our minority, and is bound in honour either to restore the whole or give equitable compensation for the same, but Jesus Christ, by whose tenets these Christians profess to regulate their morals, had not said in vain that

we do not gather grapes of thorns nor figs of thistles; therefore, not even in England is justice to be had.

In the glorious days of yore, it used to be the pride of your ancestors to defend the weak who sought their protection as we seek yours this day against the strong, though they might lose all they possessed in doing so. Therefore, if that spirit of noble chivalry is not quite dead among you, then aid a brother Prince and countryman in adversity.

The Government of India out of spite may indeed put its veto upon the generous impulse of your hearts, but if you all unite, it will be powerless to harm you as you cannot all be deposed or sent to the *Kala Pani* for not paying any heed to the arbitrary behest of such a timorous administration as it has now become. For see that notwithstanding all its boasted vast resources how it dreads the return to India of Sikh who unlike you does not even possess a single soldier.

Therefore, be not cowards but be brave and worthy of your great forefathers.

Sd. Dalip Singh.

The Lawful Sovereign of the Sikh Nation

C

Proclamation No. 3

Courage ! Courage ! Courage !

We your own flesh and blood, tell you, lift up your bowed down heads and drooping hearts "for your redemption draweth near" and by the help of the Almighty, Aryavarta shall once more be free and the rising 'Young India' shall enjoy both liberty and self-government.

Yes, beloved countrymen, an avenger of our common great wrongs is indeed about to appear, and the just God of the Universe will shortly cause your wicked rulers to be crushed under his feet. But you must have a little more patience yet, so as to allow us to work out your salvation most effectually.

This iniquitously unjust and unscrupulous administration of India have succeeded at last by their arbitrary acts in driving us away from our (we declare before God) most loyal allegiance to the Empress of Hindustan, but by the aid of Providence they shall rue the day on which they dared to insult us by

causing our arrest at Aden. For although we were naturalised Englishmen, yet we were placed under arrest without a warrant having been previously obtained for our apprehension.

The British Government dared not have treated a born Englishman as thus, but because we were not such, we were neither allowed a public trial nor were sufficient pecuniary means placed at our disposal (though we requested both) so as to enable us to procure legal advice in order to refute effectually the foul and revolting charge of disloyalty preferred against us towards our then Most Gracious Sovereign.

Behold then, countrymen, that there exists one law for the Englishmen and another for the hated Indian, though he might even be a Christian as we were previous to our arrest at Aden notwithstanding all the avowals to the contrary of the pious British Government.

If we, who were once heart and soul as one with England, and who would cheerfully have spilt our last drop of blood in the service of the Empress of Hindustan as an inadequate return for all her personal boundless graciousness towards us have denied justice and even a hearing before a competent court of arbitration and branded disloyal when on the contrary we were most loyal. Then, what chance have you, brother Princes of India, for preventing the immoral administration of India—whenever, it should suit their purpose—from ignoring the rights they have hypocritically guaranteed to you by so called solemn treaties with England.

Therefore, believe our word when we tell you that you sit on your thrones only until a convenient opportunity presents itself to your so called just rulers for your deposition. For look at what has lately taken place in Burma. In spite of the declarations of the Queen's proclamation of 1858 to the contrary, does it appear to you that the days of annexation have come to end as yet?

Therefore, friends, if you have not yet entirely degenerated into cowards and become effiminates, nor turned into mere puppets in the hands of your deadly enemies, then rise up and make common cause with us and share with us also in the glory of liberating our mother country. But although we thus invite you to take part in this grand both work and duty, do not for a moment suppose that we shall seek any aid from

you, for God has otherwise made us strong who were once so feeble.

Sri Khalsa ji, you by your far renowned great valour saved the British Empire in India in 1857 and you did well then to act so for we ourselves at that time were most loyal to England. Besides owing to our absence from India at that period, you had no leader appointed by Sri Sat Guru Ji of your own nation to instruct you as to the part that you should have taken in the warfare that was then going on, but now in the coming struggle sovereign both by the will of Sri Sat Guru Ji as well as in the virtue of the treaty of Bhyrowal of 1846 with Great Britain (under which Christian England assumed our guardianship, though by most pious acts shortly after they swindled us out of our kingdom) to prepare for our advance into the Punjab.

We command also such as of our loyal subjects as may then be serving in the British army, and who may be left behind, to attack the British forces sent against us in their rear and those who may be the troops opposing us to come over to our side. But let our enemies and disloyal subject beware for we intend to annihilate them utterly.

Sri Khalsaji, we exhort you to study the *Sakheean* and learn therein your glorious destiny as predicted by Daswan Padshah Sri Guru Govind Singh Ji.

Wah Guru ji ki Fateh.

(February, 1887)

Sd. Dalip Singh,

Sovereign of the Sikh Nation

FROM SECRETARY OF STATE, LONDON, TO
VICEROY, CALCUTTA

NO. 21

TELEGRAM DATED 1ST FEBRUARY, 1887

Secret. Dalip Singh writes to Montgomery 28th January, stating promise of pecuniary aid up to a million sterling and assurances of loyalty from entire Punjab. He encloses there very seditious proclamations one of which denounces his wicked guardian, the British nation, one appeals to Princes of India for funds and one is addressed to Khalsa warning latter to prepare for his advent and commanding them as their guru to attack in rear British force sent against him. Copies go to

you next mail. He states two first proclamations will be published at once in France and that he leaves Paris shortly. His destination is probably Russia. We have asked Lyons to keep watch over proceedings. As Lahore Press report medicants going about Punjab foretelling restoration of Khalsa power, you may like to impress on Aitchison necessity of vigilance.

APPENDIX 8

SIKH-RUSSIAN CONNECTION

(Enclosure)

FROM A. WEBER, ESQ., VICE-CONSUL, MOSCOW, TO
C.T. COOKE, ESQ., ACTING CONSUL, ST.
PETERSBURG

Vice-Consulate, Moscow,
2nd May, 1887.

In confirmation of my report of 11-23rd April, I herewith beg to enclose a letter from the Maharaja, sent to me by Sardar Aroor Singh, in explanation of which I have to say that, as I never pretended to appear as a Rep. of G.B. or endowed with any whatever for negotiations of any kind, the Maharaja's object in writing to me on that subject must have been to let Her Majesty's Government know that he is not so entirely opposed to what he terms "reconciliation" as his letter expresses. All the information that I received with regard to that affair I have got by private ways and means. I, therefore, beg you to kindly return the enclosed letter after you have done with it.

A

"The Maharaja Dalip Singh presents his compliments and desires to explain to Mr. Weber that it was no intention of acting in an uncivil manner towards him that the Maharaja refused to receive a visit from him, but because he understood

that Mr. Weber as a Representative of G.B. wished to propose to him to open negotiation with that power.

Hotel Dusaux, Moscow,
The 28th April, 1887.

FROM MAHARAJA DULEEP SINGH TO THE
EMPEROR OF RUSSIA*

May 10, 1887.

“Before proceeding to lay before the Imperial Government the humble prayer both of the Princes and People of India for deliverance from their oppression, I think it necessary to state here that for myself I seek no gain whatsoever, for I am a patriot and only seek to deliver some 250,000,000 of my countrymen from the cruel yoke of the British Rule and to benefit the deliverer at the same time and will serve the Imperial Government (should it think proper to employ me) without any remuneration whatsoever.

Through my cousin Sirdar Thakur Singh (a man well known both in the Punjab and mostly all over India) I have been deputed by most of the powerful Princes of India to come to Russia and to pray the Imperial Government to take their cause in hand. These Princes possess altogether some 300,000 soldiers in their service and are prepared to revolt should the Imperial Government think proper to make an advance upon the British provided that I, their representative, be permitted to accompany the Imperial Army so as to assure them of the generous and gracious intentions entertained towards them by the Emperor, for the English have taken good care to fill the minds of the people of India (who are extremely ignorant) with false reports as to the oppressive nature of the Russian Rule, though the British Government itself has broken solemn engagements whenever it suited its own purposes to do so—having broken two treaties with myself alone.

Among the many advantages that would accrue to the Imperial Government by invasion of India are the following :

*From a photostat copy preserved in the National Archives of India, New Delhi. Also see *The Punjab Past and Present*, vol. I, Part II, pp. 352-55.

The Princes of India, when freed and if allowed to manage their affairs in their own way, would join together and pay a large tribute annually into the Russian Treasury. Although I am authorised to name only £3,000,000 per annum yet in my opinion after the settling down of the country they would easily pay between £ 8,000,000 and £ 10,000,000. The British raise an annual revenue from the country of some £ 50,000,000 and £ 60,000,000 sterling, out of which an army of 100,000 Europeans and Officers and English civilians (who receive very high salaries) absorb at least £ 25,000,000.

The rest is employed in the administration of the country and in the payment of interest upon capital advanced by England for the construction of railroad and upon the Public debt of India and pensions to retired officials in England. Also the import and export trade between England and India amounting to some £ 50,000,000 per annum each way would be secured to Russia. India is indeed a gold mine to England and most of her wealth has been and is derived from that source. I have been much struck already during my very short stay in Russia with the low value of things in this country from want (in my opinion) of suitable markets for their disposal. But could the same commodities be taken to India I feel persuaded that from 100 to 300 per cent over the prices they fetch here would be realized for them out there. The markets of Central Asia are not to be compared with that of India.

I guarantee an easy conquest of India. For besides the promised assistance of the Princes of India with their armies, it is in my power to raise the entire Punjab in revolt and cause the inhabitants to attack in their rear, the British forces sent to oppose Imperial Army.

My loyal subjects would also destroy all railway, telegraphic, and Princes revolting would harass the British troops left behind as a reserve. England is only strong at sea but she has no army. She has only some 100,000 Europeans and about the same number of native soldiers in his service in India. Out of the latter some 45,000 men are Punjabees and which are the best soldiers that England possesses in India. All these are loyal to me and will come over at once to the side of Russia (provided that I be permitted to accompany the

Imperial Army of invasion) should they be sent to confront Russian troops, or they will attack the opposing British forces in their rear, should these Sikhs be left behind.

Under these circumstances no British army could hold its own, however powerful it might be (which it is not), being attacked both in front and behind.

It may not, perhaps, be out of place with due modesty to state here why I have some power over my countrymen and can render such invaluable services to the Imperial Government in the way described above. In the first place I am the acknowledged head and sovereign of some 20,000,000 (of which about 8,000,000 are Sikhs) people of entire Punjab, a country inhabited by the most warlike races of India and are all loyal to me. Secondly the last teacher of the Sikhs prophesied somewhere about 1725 regarding myself and has mentioned me by name in his Prophecy. He has beside other matters predicted also that a man bearing my name would after becoming deposed [dispossessed] of all he had inherited and after residing alone in a foreign country for a long time, return and with aid of a European power free the Sikhs from the cruel bondage that they would be then suffering under for their sins.

Therefore, a great deal can be made out of the Prophecy if properly worked, as the predicted time of its fulfilment is near at hand and the people of the country are extremely ignorant as already stated.

At this moment the whole of India is with me and as soon as the People of Hindoostan are assured of my arrival in Russia their joy will know no bounds at their coming deliverance. With all humility I would endeavour to dissuade the Imperial Government from regarding complications in the South East Europe for the present, because many powers are united to oppose the realization of its wishes in that quarter but to turn its entire attention upon the conquest of India and upon crushing England. For by wrenching India out of the hands of England, the Imperial Government will acquire a source of *Great Wealth*, whereas I greatly doubt that so much will be gained by taking Constantinople.

Furthermore, if, I may be permitted, I would venture to state that, should the invasion of India be entertained in the

Imperial Councils, an army not less than 200,000 men and 2000 cannons be provided for that purpose. Not that this force is at all necessary for the conquest of India but to impress wavering Princes and people of that country of the greatness of the resources of Russia and thus half the battle would be gained.

In having thus freely expressed my views, I pray that I may not be considered disrespectful towards the Imperial Government as a loyal subject of the Emperor (which I already consider myself to be, though I have not received the right of naturalization), I feel it my duty to say what I have to say without reserve.

The Imperial Government, whether it think proper to invade India or not or to employ me or not, can please itself in the matter for it is no concern of mine.

I have been deputed simply to make an appeal on behalf of 250,000,000 of countrymen for deliverance from the cruel yoke of the British Rule and having done so my duty is ended and, if graciously permitted by the Emperor to enjoy both liberty and safety in his Majesty's dominions, I shall occupy myself in sport leaving the Almighty to bring about the deliverance of my unfortunate people in His own good time.

Should the Imperial Government, however, think proper to turn its attention towards the conquest of India and desire my services for that purpose, I would suggest that 2 or 3 gentlemen speaking English well should be appointed both to further discuss the matter with me and to enquire into the truth of the assertions I have made with regard to India.

May 10, 1887

Duleep Singh
Maharaja

FROM SIR R.B.D. MORIER, HER MAJESTY'S
AMBASSADOR AT ST. PETERSBURG TO MARQUIS
OF SALISBURY, K.G., SECRETARY OF STATE
FOR FOREIGN AFFAIRS

No. 164

St. Petersburg,
10th May, 1887

I have the honour to forward herewith the enclosed translation by Mr. Cooke from the "St. Petersburg Viedomosti."

The *Standard* is witted with its interest in the strict observance of the Russian passport system and the Maharaja Dalip Singh is considered to have acted quite naturally in "seeking consolation from Russian hospitality for vexations caused to him by Russia's Asiatic neighbour."

P.S. While on the subject of Dalip Singh, I should mention that my reports from Moscow describe him as driving publicly in his native dress about the town, where his turban, his jewels, and his orders, amongst them being the Star of India, have produced a great sensation. His attendant, the man calling himself Aroor Singh, informed Mr. Weber that the stay in Moscow would depend on the state of affairs in Asia, and the probabilities of a Russian advance upon Herat.

(Translation)

"ST. PETERSBURGSKIA VIEDMOSTI"

Dated The 21st April (May 3rd) 1887.

Today we find out that the *Standard* has certain pretensions against Russia on account of the stay in St. Petersburg and Moscow of the Indian Maharaja Dalip Singh, who has the misfortune to be considered an enemy of Her Majesty, the Indian Queen. The pretensions of the London semiofficial organ are founded on the fact that the Indian Prince and his friend Patrick Casey entered Russia without hindrance and lived in Petersburg and Moscow without being provided with regular passports, but with a special permit received through the intercession of M. de Giers. We see nothing surprising in the fact that the Maharaja was maltreated in every way by the English and deprived by them of his rights and properties, should seek consolation from Russian hospitality, for the vexations caused him by our Asiatic neighbour. But this solicited of England, the concealer from time immemorial of all Russian political criminals, that nobody should live in the Russian confines without having a passport, seems to us too touching and we consider it our duty to calm our British friends and zealots by explaining to them that it is not the first time that admission has been granted by special permission, and that it does not represent a special favour to the unfor-

fortunate Indian prince; for example, that it is not long ago that an Abyssinian boy and girl were admitted into Russia, in the same manner, they having been brought over by the Cossack Ashinor also without passports on account of the passport system in the realms of the Negus.

St. Petersburg,

the 6th May, 1887.

FROM MAHARAJA DULEEP SINGH, SOVEREIGN
OF THE PUNJAB TO VICTOR DUCTOR
DULEEP SINGH

No. 53.

Messrs, Zenker and Co., Moscow,
21st May, 1887.

I am delighted to see your handwriting but what a fool you are, my son, to write such letter. For I have repeatedly told that I have repudiated the treaty of the annexation, therefore, how dare you tell me write and ask for the money said to belong to me at the India Office.

Whether the "Tshar" (Tzar) helps me or not, I am quite independent of everybody, and perfectly happy and mean shortly to overthrow the British rule in India to which end I have dedicated the rest of my life. But take my advice, my child, and do not believe anything the newspapers write either my favour or against me.

You will soon be of age and will consequently be able to settle your debts. Yet the Trustees sell the picture of the jewels if they please, for I cannot be bothered afresh with matters connected with England. All that is over as a dream and I have awoken to new life and the destruction of the British power.

But if you wish to retain my affection for you, childie, do not mention again to me such matter, nor ask me to humble myself to my bitterest enemy. Look upon me as dead. But I will never swerve from my purpose or I would not be the son of the Lion of the Punjab whose name I dare not disgrace.

You will see, my childe, by and by. Let the English brag and boast; they will cease their high talk. They are utterly undone, believe me, my son.

P.S. I could see you starve and even would take your life to put an end to your misery, but will never return to England. I am entirely changed since you last saw me. I will freely shed my blood for the Emperor of Russia.

FROM MAHARAJA DULEEP SINGH, CARE OF
MESSRS. ZENKER & CO., MOSCOW, RUSSIA, TO
VICTOR DULEEP SINGH

Without Date, Received in England,
26th May, 1887.

As I am going to make Moscow my headquarters for some time, and not return to Petersburg, my address will be as above, and I shall be glad to receive a line from you saying that you are quite well.

I cannot tell you how happy I am to find myself in Russia. There is plenty of grouse shooting and fine salmon fishing in the north of Russia, and if not better employed I mean to indulge myself in some first rate sport. The woodcock shooting on the coast of Black sea is very good and is so snipe and wild fowl shooting in the Crimea.

So you (see ?), my dear old man, I have reached the sportsman paradise. Besides money from India, in spite of the stupid British Government's forbidding, will flow to me like water now that I am in Russia. To once reach Russia was all that was necessary, and my loyal subjects required me to break off all relations with the British, and give them as a proof of my sincerity by entering the dominions of the Tsar before they would undertake to send me large sums of money.

I can imagine the rage that the Indian officials will be in at my success, though they will pretend to suppress me altogether, but which they will find impossible to do nevertheless. Yes ! they have made a blunder the cost of which will be enormous to the British nation, though it may bring no good to me. But revenge for all the insults I have suffered will quite compensate me for all the inconvenience that I have to undergo.

Write me a line, childie, about your health, though do not in it, or otherwise, mix yourself up in my affairs.

Send the two knives you and Fred have made for me to Purdey to pack up with my other thing.

Send my love to Fred and blessing of the Guru of the Sikhs and with the same to yourself, my childie.

P.S. The joy of your cousin will know no bounds now ! I telegraphed my arrival to them, so all India will know.

APPENDIX 9

SIMON COMMISSION REPORT

THE SIMON COMMISSION ON COMMUNAL ELECTORATES*

The 1919 Act provided for a Parliamentary review after ten years. In November 1927 a commission headed by Sir John Simon was appointed and its report was published in 1930. One of the most difficult questions dealt with by the commission had also bedevilled the Montford Reforms. The latter had arranged to continue and extend separate electorates for Muslims. Pressure from other communities had led to the granting of separate electorates for Sikhs in the Punjab and for other communal groups elsewhere in India. Communal representation from now on was part of Indian politics, as numerous groups used successive political reforms to press their own economic and social claims.

Communal Electorates

149. The Montagu-Chelmsford Report fully discussed the question of communal electorates. It declared that they were opposed to the teaching of history; that they perpetuated class division; that they stereotyped existing relations; and that they constituted "a very serious hindrance to the development of the self-governing principle". But, nonetheless, the Joint Authors felt constrained, so far as the Muhammadans were concerned, to admit this system into the constitution

* *Report of the Indian Statutory Commission (1930)*, I, 137-139.

they were framing, and to concede a similar arrangement to the Sikhs of the Punjab. The explanation is that the facts were too strong for them. The Muhammadans relied on past assurances which they regarded as vital to their interests, and which the community as a whole protested must not be withdrawn. They pointed to the fact that they were given special representation with separate electorates in 1909. Moreover, the argument for a separate Muhammadan electorate was materially strengthened by reason of an agreement which had been arrived at in 1916 between Hindu and Muhammadan leaders and which went by the name of "Lucknow Pact".....the subject of separate Muhammadan representation has to be closely studied in its historical aspect before a decision can be reached for the future. But it is sufficient in sketching the Montagu constitution to reproduce the conclusion at which the Report arrived, and to describe the arrangements by which this conclusion was carried into effect. "Much as we regret the necessity", ran the Report, "we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship." Accordingly, the voters in "general" constituencies were divided into two lists, Muhammadans and non-Muhammadans. Territorial constituencies, usually based on an administrative district, or a group of districts, were carved out for each. Since Muhammadans are generally in a minority, a single Muhammadan seat often covers an area equal to several non-Muhammadan constituencies. In allocating the proportion of separate Muhammadan and non-Muhammadan seats, the Franchise Committee took the Lucknow Pact as a guide, with the important result that Muhammadan representation was considerably in excess of its population ratio in those provinces in which Moslems were in a minority. The authors of the Montagu-Chelmsford Report wrote that they could "see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters", but in the only two provinces, Bengal and the Punjab, where they form a majority of the inhabitants, their comparative poverty has resulted in their having

a minority of the votes, and the method of communal representation has been applied in those provinces as elsewhere. Muhammadan representation in Bengal, based as in other provinces on the Lucknow Pact, gives them fewer seats than they would receive if these were allotted in proportion to their voting ratio. In the Punjab the proportion of Moslem seats, though less than the population ratio, is somewhat higher than the voting ratio.....

The Sikhs of the Punjab were also provided with a separate electoral role and separate constituencies. The Sikhs are 11.1 per cent, of the population of the province, but they constitute 24.1 per cent. of the voters and have 17.9 per cent. of the communal seats. This allocation is not based on the Lucknow Pact, to which the Sikhs were not a party. The reason for the noteworthy contrast between the Sikhs' voting strength and their population percentage is that prosperous Sikh farmers are exceptionally numerous in many agricultural districts of the Punjab, and they probably also form relatively a higher percentage than other communities of those who secure the vote as ex-soldiers.

Representation of other Minorities

150. But the sub-division of the electorate did not stop at separation from each other of great religious communities. Within the general body of "non-Muhammadans", special arrangements were made to secure that a minimum of seats should be "reserved" for sections of the Hindu population which it was claimed might otherwise be under-represented. For example, in Madras, out of 65 seats allotted to non-Muhammadans, 28 are reserved for non-Brahmins; in Bombay 7 out of 46 non-Muhammadan seats are reserved for "Marathas and allied Castes."

THE GANDHI-IRWIN AGREEMENT MARCH, 5, 1931*

Following the Simon Commission's Report a Round Table Conference was held in London in the autumn of 1930 to assist in hammering out a new Government of India Act. Congress, engaged in civil disobedience under Gandhi's

*C. H. Philips, *The Evolution of India and Pakistan 1858-1947*, Select Documents (London, 1962), 241-242.

leadership, refused to attend the first session. However on February 17 Gandhi started talks with the Viceroy which resulted in a truce. Civil disobedience was to be ended, political prisoners released and Congress was to attend the second session of the Round Table Conference.

The following statement by the Governor-General in Council is published for general information :

1. Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi, it has been arranged that the civil disobedience movement be discontinued, and that with the approval of His Majesty's Government, certain action be taken by the Government of India and Local Governments.
2. As regards constitutional questions, the scope of future discussion is started, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part; so also are Indian responsibility and reservations or safeguards in the interests of India, for such matters as, for instance, defence; external affairs; the position of minorities; the financial credit of India, and the discharge of obligations.
3. In pursuance of the statement made by the Prime Minister in his announcement of the 19th of January 1931, steps will be taken for the participation of the representatives.

THE CABINET MISSION, MAY 16, 1946*

In July 1945 a Labour Government, headed by C. Attlee, was returned to power in Britain. It was clear that the British public was not concerned about maintaining supremacy in India. A cabinet mission was dispatched to the subcontinent and it put forward its plan in May. Because of the success of the Muslim League with the Muslim electorate in the recently

*India, Statement by the Cabinet Mission and His Excellency, the Viceroy, Cmb. 6281 (1946).

held elections, the plan aimed at preserving Indian unity while trying to satisfy Muslim demands. As well as a federal union of British Indian provinces, there were to be subordinate unions between individual provinces which would make possible a Muslim state comprising areas in northwest and northeast India.

1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used the words : —

‘My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision.....

‘I hope that the Indian people may elect to remain with the British Commonwealth. I am certain that she will find great advantages in doing so....

“But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.”

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible

to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas: one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the North-East consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of

Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.....

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority area alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23.6 per cent. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a United India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed Forces have been built up for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers

in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.....

12. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form :

- (1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects : foreign affairs, defence, and communications; and should have the powers necessary to raise the finances required for the above subjects.
- (2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
- (3) All subjects other than the Union subjects and all residuary powers should vest in the provinces.
- (4) The States will retain all subjects and powers other than those ceded to the Union.
- (5) Provinces should be free to form groups with executives and legislatures, and each group could determine the provincial subjects to be taken in common.

- (6) The constitutions of the Union and of the groups should contain a provision whereby any province could by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

RESOLUTION OF THE CONGRESS WORKING COMMITTEE, MAY 24, 1946*

Although Congress accepted the first part of the Cabinet Mission Plan, it could not agree over the interim government which was to call a Constituent Assembly to draw up a constitution.

In considering the Statement (of 16 May), the Working Committee have kept in view the picture of the future, in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as how far this is in conformity with the objectives they aim at. These objectives are : independence for India, a strong, though limited, central authority, full autonomy for the provinces, the establishment of a democratic structure in the centre and in the units, the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the Statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact,

*India, Statement by the Cabinet Mission, Cmd, 6835 (1945).

even though not in law, to that independence and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of those recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters, a majority decision of both the major communities will be necessary.....

The Statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces should be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which "shall proceed to settle the Provincial Constitutions for the Provinces in each section and shall also decide whether any Group Constitution shall be set up for those Provinces." There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the Statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the Statement in regard to the Indian States are vague and much has been left for further decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements, and the manner of appointing State representatives for the Constituent Assembly must

approximate, in so far as possible, to the method adopted in the Provinces. The Committee are gravely concerned to learn that even at this present moment some State governments are attempting to crush the spirit of their people with the help of armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage. The Governor-General may continue as the head of this Government during the interim period, but the Government should function as a cabinet responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority. . . .

APPENDIX 10

IMPACT OF SIKH SITUATION ON INDIAN ARMY

Note by Major-General Lockhart¹

L/PO/6/106b : ff 360-1

India Office, 25 February 1942²

THE INDIAN ARMY IN RELATION TO CONSTITUTIONAL POLICY

1. Communal and Provincial Composition of the Indian Army

The latest available figures for the class composition of the Indian Army are for the 1st January, 1941. These show that

1. Circulated to the War Cabinet Committee on India.
2. The probable date of the document has been determined from its place in the file.

out of a total of 418,000 Indian Army personnel at that date, 155,000) approximately 37%) were Mohammedans and 263,000 were Hindus and other religions (including 51,000 Sikhs). Of this total, the Punjab contributed 201,000 or 48%, of which 96,000 were Moslems and 51,000 Sikhs. Nepal contributed 46,000 (11%). No other area contributed as much as 10% of the total. 35,000 (8%) of Mohammedans came from the North West Frontier Province. The principal Congress strongholds (Bombay, Central Provinces, United Provinces and Bihar) together contributed only 63,000 or 15½%. Of the 104,000 non-Mohammedans from the Punjab, 28,000 were Dogras, 14,000 were Jats and 51,000 were Sikhs, *i.e.*, a large proportion was confined to particular classes within the Province. The Bombay contribution of 18,700 was almost entirely from the martial class of Mahrattas.

Since these figures were compiled, there has been a vast expansion of the Indian Army which now totals about 1 million. In this expansion recruits have been drawn from Bengal, Assam, Bihar and Orissa as well as from the Provinces previously drawn upon. Recruits from new classes of the population have also been obtained from the Provinces previously drawn upon as well as large increases from the ordinary sources of supply.

2. Extent of Congress Influence in the Indian Army

It is difficult to assess the influence of Congress with soldiery. In the prewar Army it is probably safe to say that it was negligible. The soldier's reaction to Congress was limited to an apprehension of what his own future would be if the British Raj were to abrogate its powers and he, the soldier, was left at the mercy of a body of Indian politicians, drawn mainly from parts of India of which the bulk of the soldiers knew little and whose inhabitants they in many cases regarded almost as foreigners. There is still a strong feeling that the British officer is the surest guardian of the soldier's interests. India is not yet a nation. The Pathan or Punjabi soldier is as much a foreigner in, say, the C.P. or Southern India, as the British officer. The Bengali is to many classes in the Army an object of contempt. Except in the U.P., where Congress has some influence in the villages from which men are enlisted, there are no classes

which one could say were specially susceptible to Congress influence.

There is no reason to suppose that the feelings of the now greatly expanded Army, drawn mainly from per-war classes, is any different from that of the old. There is no evidence whatever to show that concessions to Congress would have any beneficial effect on recruiting or the fighting spirit of the Armed Forces. At the same time *if* concessions to Congress were made as the result of agreement between all Indian political parties, the Army would be unlikely to be adversely affected. But such agreement seems extremely unlikely. What does seem likely is that any concessions to Congress would produce a violent reaction from the Moslem League. Should this happen, and should Mr. Jinnah and his party attempt to stir up serious trouble, the effect upon the Army might be disastrous. Communal feeling, at present almost non-existent inside units, would be aroused. The soldier overseas, whether Hindu or Moslem, would undoubtedly feel great and natural anxiety about affairs at Home, and morale and efficiency would most certainly suffer. Mohammedan recruiting might cease.

To sum up. It is difficult to say how any concession to Congress would assist the war effort in respect to the Military personnel of the Army. On the other hand it might result in the ruin of the Indian Army as at present constituted.

The Sikhs present a somewhat separate problem from other classes. They are a separate, warlike, and politically minded community. In 1940 there was considerable anxiety over the Sikh situation and the number of recruits desired was difficult to obtain. One of the main reasons for this reluctance to enlist, as well as for the number of desertions which occurred, was the current opinion that if Sikhs went overseas their lands and villages would be seized by the Mohammedans who were plotting to seize power in the Punjab. Sikhs were therefore wanted in India to protect the community against the Mohammedans. The Sikhs might welcome concessions to Congress if they did not involve concessions to the Moslem League.

APPENDIX 11

SIKHS MEMORANDUM TO CRIPPS

The Sikh All-Parties Committee to Sir S. Cripps¹
Cmd. 6350

31 March 1942

Dear Sir Stafford Cripps,

May we begin by stating that after giving careful consideration to the proposals which have now been published from the point of view of (1) India's integrity and (2) the Sikh position, we find them unacceptable because : (1) instead of maintaining and strengthening the integrity of India specific provision has been made for separation of Provinces and constitution of Pakistan and (2) the cause of the Sikh community has been lamentably betrayed.

Ever since the British advent our community has fought for England in every battlefield of the Empire and this is our reward, that our position in the Punjab, which England promised to hold in trust and in which we occupied a predominant position, has been finally liquidated.

Why should a Province that fails to secure a three-fifth's majority of its Legislature, in which a religious community enjoys statutory majority, be allowed to hold a plebiscite and be given the benefit of a bare majority ? In fairness this right should have been conceded to communities who are in permanent minority in the Legislature.

Further, why should not the population of any area opposed to separation be given the right to record its verdict and to form an autonomous unit ?

We are sure you know that Punjab proper extended up to the banks of the Jhelum excluding Jhang and Multan Districts, and that the Trans-Jhelum area was added by the conquest of Maharaja Ranjit Singh and retained by the British for administrative convenience. It would be altogether unjust to allow the extraneous Trans-Jhelum population, which only

1. The text of this letter and its enclosure were transmitted by Lord Linlithgow to Mr. Amery in telegram 209-S.C. of 18 April, MSS. EUR. F. 125/22.

accidentally came into the Province, to dominate the future of the Punjab proper.

We give below the figures which abundantly prove our contention. From the boundary of Delhi to the banks of the Ravi river the population is divided as follows : Muslims forty-five lakhs five thousand, Sikhs and other non-Muslims seventy-six lakhs forty-six thousand.

From the Delhi boundary to the banks of the Jhelum river excluding Multan and Jhang districts : Muslims eighty-two lakhs eighty-eight thousand, Sikhs and other non-Muslims ninety-three lakhs forty-eight thousand.

To this may be added the population of the Sikh State of Patiala, Nabha, Jind, Kapurthala and Faridkot, which is about twenty-six lakhs. Of this the Muslims constitute barely twenty per cent and this reduce the ratio of Muslim population still further.

We do not wish to labour the point any more. We have lost all hope of receiving any consideration. We shall resist however by all possible means separation of the Punjab from All-India Union. We shall never permit our Motherland to be at the mercy of those who disown it.

Yours sincerely,

BALDEV SINGH, President, Sikh All-Parties Committee.

TARA TINGH

JOGENDRA SINGH

UJJAL SINGH

MOHAN SINGH (ex-Adviser to the Secretary of State for India).

We append herewith a note which gives some particulars of the position of our Community in the Punjab.

Enclosure to No. 467

On behalf the Sikhs we wish to place the claims of the Sikh community in the proposed scheme of His Majesty's Government for the governance of India. We begin by giving a historical background of our case.

The Sikhs are an important and distinct community mainly concentrated in the Punjab of which they were the Rulers until 1849. Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal.

Sikhs play an important role in the economic and civic life of the country and a leading part in its defence. In the British Punjab with their 3 3/4 million population (13.5 per cent of the whole) the Sikhs pay 25 per cent of the land revenue and 40 per cent of the land revenue and water rates combined, the main source of the Provincial Exchequer. They maintain at their own expense over 400 schools and 4 colleges open to all communities and class without distinction. The percentage of literacy among the Sikhs is higher than in any other community in the Punjab. They have got a large number of Sikh shrines with big landed estate attached to them which are the centres of Sikh culture and tradition.

The authors of the Montford Report recognised the importance of the Sikhs and "the difficulty of denying to the Sikhs in the Punjab a concession which is granted to Moham-medans."²

The Simon Commission states : "Sikhism remained pacific cult until the political tyranny of the Mussalmans and the social tyranny of the Hindus converted it into a military creed. It is a striking circumstance that this small community contributed no less than 80,000 men" (actually 89,000 combatant recruits in addition to 32,500 already serving when the war broke out) "to serve in the Great War, a larger portion than any other community in India."³

With a population of over 6,000,000 in India the share of Sikhs in the defence forces of the country has always been out of all proportion to their population. The Sikhs are perhaps the only community which is making an organised war effort by the establishment of the "Khala Defence of India League" to maintain its glorious traditions in the Army. We do realise that with our past traditions and the excellent fighting material that can be found in the Sikh districts, we should have done still better in mobilising out manpower, but we are constrained to remark that nothing has been done by Government to rouse the enthusiasm of the Sikh community in the way of recognition of its status in the sphere of the Central Government or of

2. Cd. 9109. *Report on Indian Constitutional Reforms*, 1918, para. 163.

3. Cmd. 3568. *Report of the Indian Statutory Commission*, Vol. 1, 1930, para. 44.

providing effective safeguards for it in the Punjab, to which it was entitled on account of its unrivalled position, historical, political and economic.

The Sikhs were deeply disappointed at the differential treatment meted out to them under the so-called "communal award" of 1932. In spite of their unique position in the Punjab they were not given the same weightage in the Legislature as the Moslem minorities were given in other Provinces. By way of illustration it may be stated that Muslims with 14.8 per cent population in the United Provinces were given 30 per cent seats in the Provincial Assembly as against 18.8 per cent seats to the Sikhs in the Punjab with their 13.5 per cent population. Their influence in the administration and political life of the Punjab was further weakened in the formation of the Provincial Cabinet. Whereas in the days of dyarchy⁴ out of three Punjabees appointed as Ministers and Members of the Governor's Council there was one Sikh from 1921 to 1926 and one Sikh out of four Punjabees from 1926 to 1937, since the advent of the Provincial autonomy there has been only one Sikh out of a total of six Ministers. It will thus be observed that in the sphere of the supreme Executive of the Province, the representation of the Sikhs was reduced from 33 per cent in 1921 to 25 per cent in 1926 and to 16 per cent in 1937.

This progressive deterioration of the share of Sikhs in the Punjab Cabinet is strongly resented by the community as it has led to encroachment of their religious and cultural rights and the waning of their influence on the political and economic life of the country.

We submit that under the existing constitution the strength of the Sikhs in the Punjab Cabinet should be maintained normally at 33 per cent and in no case below 25 per cent so that there may always be at least two Sikh Ministers in the Cabinet. We also feel that so long as communal electorates continue to be the method of representation in the Legislature, Cabinet should be formed on a coalition basis in the true sense of the word. We may here point out that when ministries were functioning in all Provinces, in the United Provinces where the percentage of the Muslim population is nearly the same

4. Under the Government of India Act, 1919.

as that of Sikhs in the Punjab, there were two Moslem Ministers in a Cabinet of six.

In the sphere of the Central Government, the Sikh Community in spite of its important stake in the country, its sacred shrines scattered all over India and the valuable services that the Sikh soldiers and technicians are rendering, has been unjustly treated. The Sikhs have suffered a great disillusionment by the deliberate neglect of their claims and omission of any reference to the Sikh minority by British statesmen and the Viceroy of India in their statements made from time to time during the last ten years on the Indian question. It seems as if in their opinion, Muslims alone or the depressed classes sometimes, constitute the important minorities of India.

Although for seventeen years a Punjabee has been appointed on the Viceroy's Council, no Sikh has ever been considered for such an appointment. Even at the time of the last expansion of the Executive Council,⁵ the claims of the Sikhs were entirely ignored.

In this connection we should like to invite attention to the decisions of the Allahabad Unity Conference which were arrived at between Hindus, Muslims and Sikhs in November, 1932. Resolution Number 4 regarding Cabinets read as follows : 1. "In the formation of the cabinet of the Central Government, so far as possible, members belonging to the Muslim, Sikh and other minority communities of considerable numbers forming the Indian Nation shall be included by convention." 2. "Further during the first ten years in the formation of the Central Government, *a seat shall be offered to a member of the Sikh community.*"

Resolution No. 7 reads as under : 11. "It is agreed that in the Central Legislature out of the total elected seats allotted to British India 3 per cent shall be reserved for Muslims, $4\frac{2}{3}$ per cent or 14 seats out of 300, for Sikhs".

It will thus be observed that leading Indians of different communities recognised the importance of the Sikh minority and agreed to accommodate it in the Central Cabinet, and also to give it nearly 5 per cent representation in the Central Legislature.

5. In July 1941.

We favour immediate transfer of power to Indian hands, entrusting all portfolios including defence to Indians with experience of public life.

We feel that in this way alone, the moral and material resources of India can be tapped to the fullest extent and Indians can participate in the war with full vigour and enthusiasm.

The Sikhs stand for national unity and the integrity of India. They would like the provinces to enjoy as wide a measure of autonomy as may be compatible with good government in the country as a whole but they also feel that any weakness at the centre will expose India to internal and external dangers.

They are strongly opposed to the vivisection of India into two or three rival dominions or sovereign states as is contemplated in the British proposals. They feel that such a step would lead to a state of perpetual strife and civil war in the country.

If the object is to give self-determination to the provinces in the matter of accession to the "Union of India," the right to stand out and break the unity of India should not be exercised by a bare majority but by at least 65 per cent. of Indian members present at the meeting of the provincial assembly when the resolution is considered. A plebiscite on the issue of secession is certain to lead to intercommunal riots of a most serious character and magnitude and should in no case be resorted to.

We are constrained to remark that the proposed scheme does not make any provisions for safeguarding the interests of the Sikh minority. The decisions of the constitution-making body are to be by a bare majority and no provision is made for recourse to arbitration by the aggrieved party as was even assured by Mahatma Gandhi in his statement on the Congress scheme of Constituent Assembly.

The Treaty which is proposed to be negotiated between the constitution-making body and His Majesty's Government for protecting the religious and racial minorities in accordance with undertakings given by the British Government, will have no sanction behind it. Besides, we are not sure how political rights which relate mainly to a share in the Legislature and

the administration of the country will be incorporated in the Treaty. The Treaty might cover the cultural, religious and linguistic rights of minorities as such Treaties in European countries after the last Great War did. But the undertakings given to the Sikhs by His Majesty's Government from time to time relate to the position and status of the Sikhs in the governance of the country and not merely regarding the exercise of their religious or cultural rights.

The Sikhs therefore feel that they cannot attain their rightful position or effectively protect their interests unless the Punjab is distributed into two Provinces with the river Ravi roughly forming the boundary between them.

We might invite attention to the All-India Moslem League Resolution of the Lahore session held in March, 1940, which is popularly known as the Pakistan Resolution, "that no Constitution would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, *viz.*, that geographically contiguous units are demarcated into regions which should be so constituted *with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority*, as in the north-western and eastern zones of India, should be grouped to constitute independent States in which the constituent units shall be autonomous and sovereign."

A careful reading of the Resolution discloses the fact that the Muslim League itself visualised the re-adjustments of areas and the inclusion in their separate state of only those areas in which the Muslims were in a majority.

The population of the Punjab is so distributed that the two western divisions of Rawalpindi and Multan are predominantly Muslims and the two eastern divisions of Ambala and Jullundur area [are ?] predominantly non-Muslims. The three central districts of Amritsar, Gurdaspur and Lahore have a balanced population. The separate figures of population for each district of the Punjab are attached⁶ as appendix to this statement. If a new Province of a contiguous area of the two divisions of Ambala and Jullundur *plus* the three districts of Lahore, Gurdaspur and Amritsar is carved out,

6. Not Printed.

it will have a total population of 12,151,000 (according to 1931 census) with non-Muslims forming 63 per cent. and Muslims 37 of the population. The other Province to the west of the river Ravi comprising the Multan and Rawalpindi divisions *plus* the three districts of Shiekhupura, Sialkot and Gujranwala will have a total population of 11,429,000, with Muslims forming 77.3 per cent. and non-Muslims 22.7 per cent. of the population.

The Sikhs do not want to dominate but they would certainly not submit to the domination of a community which is bent upon breaking the unity of India and imposing their personal laws and culture on the other sections of the population.

We submit that in any interim arrangement or in the permanent scheme the following safeguards should be provided either in the Treaty which might be enforceable or in the Constitution itself :

No. 1. By delimiting the present Provincial boundaries of the Punjab, a new Province comprising of Ambala and Jullundur divisions with the three districts of Amritsar, Gurdaspur and Lahore be constituted.

No. 2. The Sikh minority in the Provinces be given the same weightage and measure of protection as the Muslim minority.

No. 3. So long as communal electorates exist, Provincial Cabinets should be formed on a coalition basis.

No. 4. The Sikhs should be given 5 per cent. representation in the Central Legislature.

No. 5. A Sikh should always be given a seat in the Cabinet of the Central Government.

No. 6. A Defence Advisory Committee should be set up for advising the Indian Defence Minister and a Sikh should be given a seat on that Committee.

No. 7. The position of the Sikhs in the Defence Forces of India should be maintained in keeping with their past traditions and strength in those forces.

No. 8. The share of the Sikhs should be fixed in Provincial and All-India Services on the lines it has already, been provided or may be provided for the Muslims.

No. 9. Religious laws of Sikhs enacted may only be amended by the votes of majority of the Sikh members in the Legislature.

No. 10. No restrictions should be imposed by the State in the exercise of the religious rights of the Sikhs in the matter of eatables and religious performances.

No. 11. The State should provide for teaching of Punjabi in Gurmukhi script where a certain fixed number of scholars is forthcoming.

Baldev Singh, President.

APPENDIX 12

SIKH DELEGATION'S MEETING WITH CRIPPS

Note by Sir S. Cripps

L/P&J/10/4 : ff 23-5

Interview with a Number of Sikhs

27 March 1942

Baldev Singh; Ujjal Singh; Master Tara Singh; Sir Jogendra Singh.

After reading through the document with some explanation, they naturally raised immediately the question of protection of the Sikh minority and the possibility of having some redistribution of provincial power between the east and west Punjab in order to carve out a province in which the Sikhs would have the decisive voice as a large balancing party between Hindu and Moslem. We then went again very carefully through the document and I pointed out to them the successive stages at which they might hope to be able to exert pressure which would enable them either to remain part of the single Indian Union or to get some provincial autonomy within the second Union if such was formed. These stages were as follows. First of all in the Constituent Assembly Congress would not have a clear majority or at least a very small one and would desire to get the smaller minorities such as the Sikhs on their side by making the most ample provision for their protection in the New Constitution. This would set a standard of minority protection which might well be satisfactory to the Sikh community and might even entail the sub-division of the Punjab into two provinces or the setting up within the Province of the Punjab of a semi-autonomous

district for the Sikhs on the Soviet model. If this failed and the Constitution did not contain sufficient clauses to satisfy the Sikhs, then in the Treaty which would be negotiated contemporaneously with the framing of the Constitution we should be able to insist on the insertion of minority protection clauses in accordance with the definition set out in the document. The form of these would be a matter for negotiation. If, when the constitution was finally settled, the Moslems decided that they had not got sufficient concessions to enable them to remain within the Indian Union, then it would be necessary for them to obtain a vote of non-accession by plebiscite in the Punjab. Although they would have a narrow majority for this purpose they would no doubt be anxious to increase that majority as far as possible, both in order to make certain of a majority and also to have as favourable an atmosphere for setting up the new second Dominion as possible. The probability would be that they would try to get the Sikh vote to support their action and in order to do so would offer minority protection clauses going further than those already offered by the Indian Union and possibly going as far as agreeing to a division of the Province or the setting up of a semi-autonomous district. There would be the meeting of the second constitution-making body in which the Sikh minority would be able to exert its pressure for minority protection if it had not previously succeeded in getting what it wanted. If at all these points they had still failed to get protection, then in the negotiation of the Treaty with the second Dominion the British Government would, in carrying out the words of the document, insist upon adequate protection for the Sikh minority, and that protection would be guaranteed to the extent that if it were not given there would be a breach of the Treaty between the Dominion and the British Government and whatever action was appropriate could follow. I pointed out to them that once granted our decision to allow the Indian peoples complete freedom in determining their own constitution, there was nothing further that we could do to provide protection for the minorities as we could not intervene in the making of the constitution or in its carrying out after the Dominion had been set up beyond insisting upon the observation by the Dominion of its Treaty obligations as regards minorities.

Although they were obviously anxious, first of all to avoid the setting up of a second Dominion, and secondly, if it were set up, to cut themselves out an autonomous district, I think they appreciated that we had done our utmost in the circumstances to provide protection and they were very pleased when I emphasised to them that this matter of protection to the Sikhs had been particularly discussed in the War Cabinet because of our very great appreciation of the contribution that the Sikhs had made in the past and were making now to the defence of India.

The only other point which they raised was as regards the intervening period. I explained to them, on the lines which I had explained to the others, that the forming of the Government was a matter for the Governor-General, subject to the general consideration laid down in para. (e), and that I was sure that the Indians who would be asked to participate would be chosen in consultation with the various principal sections of Indian opinion, a point upon which they laid stress.

They raised the question also of Defence and pointed out that from the point of view of Indian public opinion it was very essential that in some way or another an Indian Minister should be associated with Defence, though they fully appreciated that all major questions of strategy, etc. must remain with the province and control of the Commander-in-Chief and Viceroy.

They were extremely friendly and, I think, were fully convinced that we were doing our utmost for them, and they promised to take away the document and consult their Committee and come back in a day or two with their final observations.

APPENDIX 13

SIKH REACTION TO CRIPPS PROPOSAL

Sir B. Glancy (Punjab) to the Marquess of Linlithgow (Extract)
MSS. EUR. F. 125/91

Govt. House, Lahore, 1 May 1942

Private and Personal

The Sikhs, although, as I have recently told you, they are undoubtedly relieved by the rejection of the offer brought by

Sir Stafford Cripps, are still feeling distinctly restive. Master Tara Singh and his Lieutenants have found it an easy matter to stir up communal feeling at the alleged danger of the Sikhs being subjected to Muhammadan rule in the Punjab, and they are loath to cease from exploiting this opportunity. They will no doubt derive some degree of comfort from the sympathetic references made to Sikhs in the debates which have just taken place in Parliament, but it is to be hoped that these expressions of sympathy will not go to their heads and lead them to believe that "Khalistan" is regarded in responsible quarters as a practicable proposition. As you are well aware, the practical objections to "Khalistan" are even greater than those which lie in the path of Pakistan. Apart from the upheaval that would be caused by tearing out a large section of territory from the vitals of the provincial body politic, it is worth remembering that there is not single district in which the Sikhs command a majority. Another illustration of the complexity of the problem is to be found in the Punjab States Agency. Little reliance can be placed on the results of the last Census¹ owing to the determination of all communities to inflate their own figures, but it is true that a few years, though there are half a dozen Sikh States in the Agency, there was only one State, the Muslim State of Malerkotla, where the majority of the population were Sikhs.

The obvious course for the Sikhs to pursue is to seek a satisfactory basis for combining with the major community in the Province. The Sikhs are still clamouring for what they profess to regard as their due representation on the Governor-General's Executive Council and in the Punjab Cabinet. The names most commonly mentioned as suitable candidates for elevation to the Executive Council are those of Sir Jogendra Singh, now Prime Minister in Patiala, and Sardar Baldev Singh, and occasionally Sardar Buta Singh, C.B.E., of Amritsar.

1. Of 1941.

APPENDIX 14

MASTER TARA SINGH'S LETTER TO CRIPPS

*Master Tara Singh to Sir S. Cripps**L/P&J/8/510 : f 276*

Amritsar, 4 May 1942

Dear Sir Stafford Cripps,

I am very much thankful to you for the kind words¹ which you used for the Sikhs in the debate in the Parliament on 28.4.1942. Your words and those of Mr. Amery² have gone a long way to remove the misgivings which were created by your proposals at Delhi in the minds of the Sikhs.

In the discussions during the 2nd meeting³ with you, the Sikhs deputationist [s] were sure that they were able to convince you with the justice of their demand. But as you did not commit and the talk could not be made public, the Sikhs were much dejected. But Mr. Amery's reassuring words and your sympathetic language in the Parliament have encouraged the Sikhs a good deal.

The only party which will object to the division of the Punjab as proposed by the Sikh representatives will be the Muslim League. If the British Government be prepared to accept this proposal of the Sikhs, there is a likelihood of the final solution of the communal problem. In that case, I may be able to persuade the Congress and the Hindu Mahasabha to agree to the communal solution outlined in your proposals, as amended by the Sikh proposal. If there be some idea of arriving at some solution in this direction, I might see some responsible Indian politicians.

I again thank you and request you to convey my thanks on behalf of the Sikh community to Mr. Amery also. I hope you will stand by the Sikhs when the time comes, to save the major portion of the Sikhs from the domination of any single community.

I am,

Yours truly,

TARA SINGH (Master)

1. *Parl. Debs.*, 5th ser., II. of C., vol. 379, cols. 828, 835, 836, 838, and 841.

2. *Ibid.*, col. 912.

3. Vol. I, No. 466.

APPENDIX 15

SIKHS SUPPORT BRITISH IN WORLD WAR

Sir B. Glancy (Punjab) to the Marquess of Linlithgow

L/P&J/8/597 : ff 168-70

Secret

Barnes Court, Simla, 26 July 1942

D.O. No. 404

Dear Lord Linlithgow,

Will Your Excellency please refer to your telegram No. 2120-S¹ of July 7th, in which you asked to be kept in the closest touch with provincial reactions to the resolution of the Congress Working Committee ?

2. It has never seemed likely that the Working Committee's demands would meet with any general support outside Congress circles in this province. Punjabi Muslims of almost all shades of opinion subscribe to the criticisms voiced by Jinnah, Firoz, Sikander and others. The Muslim press in Lahore is unanimously hostile, using such expressions as "blackmail", "hypocrisy" and "ludicrous demand". The Qadiani paper *Sunrise* takes the same line. Sikander said in a meeting at Lyallpur : "If the British quit India, chaos will follow and no ordered Government will be possible."

3. The Punjab Congress party is fortunately at a low ebb and its leaders are continually at loggerheads with each other. The two main groups led by Dr. Gopi Chand Bhargava and Dr. Satyapal will both be inclined to follow Gandhi's lead, but the Satyapal group will hesitate to do anything that may increase the prestige of Gopi Chand. The Congress communists cannot well support a movement of the kind contemplated and may be forced out of their alignment with the Congress. The Congress Akalis will be in an awkward position in view of the recent Akali-Unionist rapprochement² and of their serious internal differences and, though individuals may join a civil disobedience movement, it is scarcely conceivable that there will be any unanimity on the subject.

1. No. 285; the date should be 18 July.

2. See No. 287, note 2.

4. It is significant that the Lahore Hindu press, which ordinarily supports the Congress, has shown no great enthusiasm for the resolution. The *Tribune* while resenting outside criticism has refused to advocate a mass movement. The *Daily Herald* has said that "it would be much better if the Congress instead of demanding the withdrawal of British rule had made some start with the facilities granted by the Government to prepare India to meet all eventualities". The *Hindu* asks "how the Congress when it has no scheme for maintaining independence can hope to ensure that India will enjoy *swaraj*".

The Sikhs generally are better disposed to Government than for some time past as the result of the Sikander-Baldev Pact and the appointment of Sir Jogendra Singh to the expanded Council. Sir Jogendra Singh and Sardar Baldev Singh made distinctly satisfactory speeches at a tea party last Tuesday which I attended. Baldev Singh's remarks included the following :

"Let me again make it clear that while I stand steadfastly to safeguard the interests of my community, I will be failing in my duty if I do it at the expense of any other community or do something which will embitter the communal situation.... Our country is threatened with evil forces of aggression and it should be the duty of every true Punjabi to get ready to make any sacrifice to meet internal disorder, and to defeat the forces of external aggression. My community has already played its part well and I have no doubt whatsoever that it will excel its tradition by answering the call of the hour and mustering in thousands to repel the evil forces that are threatening the democracies of the world."

The speech was reported in the press. In the *Tribune* of yesterday there is a statement by Sardar Naunihal Singh, Sardar Jogendra Singh Man, Sardar Bahadur Gurbachan Singh and Sardar Raghbir Singh Sandhanwalia. The first two are M.L.As, Naunihal Singh being also of course a member of the National Defence Council. Sardar Bahadur Gurbachan Singh is Deputy Speaker of the Punjab Legislative Assembly, while Sardar Raghbir Singh Sandhanwalia is President of the Khalsa Defence League of India.³ This statement definitely

criticises the Congress proposals, though it is not as outspoken as one would like : I append a copy for ready reference. As I anticipated, Sir Jogendra Singh and Sardar Baldev Singh have hesitated to come out into the open on the subject of the Congress Working Committee's resolution. Nevertheless there are gratifying signs that the Sikhs will be sensible and the Congress proposals have been criticised in Sikh newspapers of the Punjab. It is difficult to be sure that professional agitators among the Sikhs would not create a certain amount of disturbance if the movement really got going elsewhere. There are always a good many Sikhs who are temperamentally 'against the Government', but the bond between the Akalis and the Congress is not so strong as it was, and Gandhi can certainly not rely on any general Sikh support in the early stages of a mass movement.

6. As we reported yesterday to the Home Department, there are signs that the Vernacular press is being used by the Congress to broadcast veiled instructions for a mass movement, and even the Indian News Agency yesterday published a long report from Bombay giving the comments of Mr. Mchrally, Mayor of Bombay, in support of the proposed movement. It seems most unsatisfactory that the Indian News Agency should be used for what amounts in effect to Congress propaganda. More stringent action to control the press and press agencies seems well worth considering.

7. The Congress in the Punjab is, I think, lukewarm about launching a movement and ill-equipped to do so, but disturbances in other parts of India can hardly fail to give rise to some degree of trouble in this province.

Yours Sincerely,
B.J. GLANCY

Enclosure to No. 331

Tribune dated 25th July 1942

Suicidal for Congress to Start Direct Action

Sikh M.L.As.' Statement

Simla, July 23rd

Sardar Naunihal Singh, M.L.A., Sardar Jogendar Singh Man, M.L.A., S.B. Gurbachan Singh, Deputy Speaker of the

Punjab Legislative Assembly, and Sardar Raghubir Singh Sandhanwalia, President of the Khalsa Defence of India League, have issued the following statement to the Press :

"We have noticed with great surprise and alarm the drift of Congress towards direct action in these critical days. We, who are fighting for the defence of India, are no less anxious that, when peace is gained, India may also gather the harvest of the great sacrifice she is making.

At this critical hour it would be almost suicidal on the part of the Congress to start any movement which may lead to the dissipation of our energies and the undermining of our War effort.

His Excellency the Viceroy's Cabinet has been Indianised, but it has not yet begun to function. It should be given an opportunity to work for a settlement such as the people of India desire. Whatever the Congress leaders may think, those who are fighting on our far-flung frontiers—men drawn from India, Empire countries and America—would not be grateful if Congress starts a campaign of disruption in these critical days. On the other hand, the new Cabinet should no more delay a declaration of its policy, its determination to maintain the integrity of India and its resolve to make the Government of India truly national."

3. Formed in 1941 with the object of encouraging Sikh recruitment to the army.

APPENDIX 16

BRITISH ATTITUDE TOWARDS DEMAND FOR SIKH STATE

Mr. Amery to the Marquess of Linlithgow

MSS. EUR. F. 125/11

Private

India Office, 20 August 1942

You certainly are having a time of it, what with the disturbances breaking out now here and now there, and with your colleagues doing the same in their own fashion ! I have just

received your last telegram¹ telling me that you are still hopeful of getting Gwyer to pacify C.P., and that you feel you must take a step forward with mixed official and unofficial advisers. As you know, my leaning has been that way, but I have always felt that it was for you to judge when the right moment should come. It will come all the more effectively, I think, if the Bengal Government somehow holds together and Assam is added to the list of self-governing Provinces. It will all throw additional strain on the Provincial Governors, but that has got to be faced.

2. I am a little sorry that the needs of the case, which I quite agree dominate everything, are making you do a small reshuffle within your Executive. However, Hydari will no doubt prove a more effective member than Sultan Ahmad, who I hope is not the only prop Stewart has in Bihar. I quite share your view as to further Indianisation of your Executive at this moment. I see no reason why we should not stand firm on the principle of expansion for efficiency as against displacement for political reasons. We can see what will be the best thing to do when the end of Raisman's and Maxwell's terms is nearer.

3. We have sent you a lot of telegrams about Gandhi; indeed, I have sent you rather more than I should have otherwise, only the Cabinet all have such definite, and not always identical, views on the subject. The great thing is that, fast or no fast, he should not be in a position to organise mischief or give vent to his comments on the situation. I see no very great harm in his receiving the newspapers and knowing the kind of non-violence that has resulted from his efforts. Indeed, the more he feels that he is definitely only detained and responsible for his own life and not a prisoner in the ordinary sense, the better. But by hook or crook we mustn't let him defeat us, even if it involved somehow enclosing and picketing Sevagram, the difficulties of which I fully appreciate.

4. The Chinese Ambassador came to see me this morning, and saying that he spoke purely personally and on his own initiative reproduced the substance of Chiang Kai-shek's remarks to Seymour the other day. This gave me an opportu-

1. No. 584.

nity of also saying that I would speak purely personally and quite frankly and I enclose a note² of my conversation.

[Para. 5, on a recommendation by the American War Production Board; para. 6, on General Auchinleck's future employment; para. 7, on the need for a victory in Libya; and para. 8, on plans for a folding bicycle, omitted.]

9. In paragraph 10 of your letter of the 25th May³ you referred to the encouragement to separation which the Sikhs may have derived from the Cripps Mission or from references in my own speeches. Undoubtedly there is nothing that, with any justification, they can point to as a pledge: though that is not to say that they will not try. Clearly however the more Pakistan is pressed the more the Sikhs are likely in their turn to press for a degree of autonomy sufficient to protect them from Muslim domination. Advocacy of an independent "Sikhdom" is I imagine bound sooner or later to give us trouble, and if time and opportunity permit I conceive that it would serve a useful purpose to clear our minds on the facts and to have explored the various possibilities they suggest in advance of any further constitutional discussions. At a superficial glance the propounding of any practicable scheme seems to me to bristle with difficulties. I should judge that a separate Sikhdom is really unworkable without extensive transfers of population in order to mitigate the fresh minority problems that it would raise. We have on record here the views of the Government of India on certain schemes adumbrated at the Round Table Conference (see Reforms Department telegram No. 2610-S of 27th October 1931). But we have not the means of investigating the question fully. I do not know if you would care to consider the desirability of entrusting the task to your Reforms Department in consultation with the *Punjab Government*. *Complete secrecy* would of course be essential, not only to avoid raising false expectations among the Sikhs themselves but also to prevent encouragement to separatist tendencies in other Provinces like Madras and Bombay. I shall be glad to learn the results of any enquiry that may be undertaken.

10. I do hope you are keeping fit under the tremendous

2. See No. 596.

3. No. 86.

strain imposed on you. If ever a man deserved a breather it will be you when the next eight months are over. Meanwhile, I can only wish you fitness and a cheerful temper in your immediate troubles and quieter waters before long.

P.S. 1.—With reference to the first paragraph of this letter, I remember of course that in June you reported⁴ that almost all the Governors were adverse to taking in non-official advisers and that Lumbley⁵ and Hallett, who had originally favoured the idea, had gone back on it. I rather doubt the wisdom of pressing any of them beyond what they are reasonably ready to do, and I rather come back to my earlier suggestion⁶ that in this matter, and particularly at this moment, uniformity is not essential.

[Second Postscript, Personal Comment Omitted.]

4. No. 122.

5. See No. 181, postscript.

6. See Nos. 54, para. 7, and 125.

APPENDIX 17

BRITISH ATTITUDE TOWARDS SIKHISTAN

The Marquess of Linlithgow to Mr. Amery
MSS. EUR. F. 125/11

THE VICEROY'S HOUSE, NEW DELHI¹

Private and Personal

5 September 1942

I have escaped to Simla for a couple of days—the first time that have been out of Delhi, even for a day, since before the rains broke in June. It is misty and damp up here, but the change is pleasant, even though it is for no more than 48 hours. I return to Delhi after lunch tomorrow and have to preside over the National Defence Council on the three following days, 7th, 8th, and 9th September.

2. I have had a request from S.P. Mukerji for an interview on the 8th, and I must try to have him in, even though the Defence Council takes up most of one's day. That has been

1. Address as in original.

followed by a telegram from Huq asking if I could see him, Mukerji, and the Nawab of Dacca. On this I have thought it well to consult Herbert. The fashion nowadays is to endeavour to short circuit your Provincial Governor, if possible, and also, if possible, to short circuit His Majesty's Government: in the first place by making representations of provincial politics direct to the Viceroy; in the second by issuing a statement about the constitutional position and the failures of His Majesty's Government addressed to the Viceroy and repeated to the heads of the allied nations! I have no intention of encouraging either disposition! I have telegraphed² to ask Herbert what his wishes are in the matter of Huq and to suggest that it would be better that his Ministers, if they want these interviews, should make their requests through him.

3. The general situation seems to continue to improve. I hope to get this afternoon from the Home Department the appreciation³ which you have asked for of the situation, and I will, I think suggest to you that it would be best for the India Office to advise the Prime Minister as to the terms of any statement he may wish to make in the House on the factual side in the light of the material which this appreciation will contain. I will send you a parallel private telegram⁴ commenting on one or two points. It is obvious that the improvement is being maintained. I am equally clear myself that we must stoutly decline to allow ourselves to be unduly encouraged by that fact. There is clearly a great deal of room for anxiety over it. Bihar is not yet quite tidy. The Bengalees seem to be making themselves a nuisance in the Sylhet Valley and elsewhere in Assam, and I have just seen in Delhi some leaflets urging a further outbreak on the 9th September, being the anniversary of the arrest of the Working

2. Telegram 333-S.C. of 4 September. Sir J. Herbert replied in telegram 216 of 5 September agreeing 'as to undesirability of anything like a deputation of Ministers obtaining interview with you'. He suggested that Mookerjee be granted an interview, noted that Huq was not now going to Delhi, and had no objection to, though he saw no advantage in, an interview with the Nawab. MSS. EUR. F. 125-42.

3. No. 697.

4. No. 696.

Committee. We shall have to be very firm with disorder in this country for some time, and for precisely the reasons you give—that opinion at home may think first that this business has not been so serious as, in fact, it has : and second, that it is now a thing of the past—I am certain that we shall be wise to take any risks involved in giving some publicity to facts which will bring out its true gravity.

4. I am greatly relieved that the Jamshedpur business should have been settled, though I still think that the management there have been lamentably weak, and Stewart shares that view. He has not had much help, I fear, from his great land-owners.

[Para. 5, on the question of granting formal rights in the soil to cultivators in *jagir* villages in Rajputana States; and para. 6, containing personal comments, omitted.]

7 September 1942

7. Many thanks for your letter of the 20th August,⁵ which I found here on my return from Simla this morning. A good many of the points mentioned in it are covered by our telegraphic correspondence. But I am most grateful for all this background about feeling at home. I shall probably let you have something about official and non-official advisers in the next few days.⁶ I am sending you by this mail the full replies⁷ which I have received from the Governors. But it looks very much as though only the Central Provinces and Madras were anxious to have non-official advisers, and I think that it might be well for me to consult the remaining Governors again and find out what importance they attach to uniformity in this matter, and how great they estimate the pressure is likely to be on them to adopt non-official advisers if other provinces do so. Not the least of the problems is the extreme shortage of men. You touch in paragraph 2 of your letter on the Bihar position. Stewart has never been able to produce more than two or three names at the outside from

5. No. 597.

6. Lord Linlithgow's telegram 416-S.C. of 4 October (L/P&J/8/591 : ff 48-9) summarizing the Governors' replies to No. 627 and giving his own views on the question of non-official advisers will be printed in Vol. III.

7. Note printed; see L/P&J/8/591.

Bihar, and one has of course to strike the communal balance; and neither Darbhanga nor C.P. Narayan Sinha, who are his only Hindu suggestions, have at all distinguished themselves in the recent disorders. Indeed, with Stewart's full approval I had been proposing to administer a fairly sharp rebuke to Darbhanga for his pusillanimity had he attended today's meeting of the National Defence Council, but (the excuse will no doubt be communications and the disturbed state of Bihar) he has, perhaps wisely, decided not to do so !

8. I gave you in my letter last week the outcome of the discussions in my Executive Council about Indianisation.⁸ (Incidentally I fear that owing to pressure I must again postpone the fuller account I had meant to send you). As you will have seen, I stood firm and had some support, but nothing like a majority, and I do not propose to budge from that position. It is quite arguable that someone so staunch as Mohammad Usman, if well served in the Secretariat, might make a possible Home Member when the time comes for Maxwell to go. But (to digress a little from the main theme) I am getting rather uneasy at the fate of my unhappy successor. If he takes over early in April, as we at present contemplate, he would not only have to settle in himself with a new staff, but Lumley, by far the most experienced and capable Governor I have, goes at the same time as I do ; Maxwell is also due to go in April; and Craik at about the same moment. I think that if Maxwell's health would stand it, there would be very much to be said for a short extension for him even six months would give the new Viceroy a chance to find his feet. Craik, on the latest extension, will be able to stay on here for about a month after the new man had taken over; and unless we have been able to make our plans by then it may be necessary to keep him for yet another month or so to see my successor properly in. But we need not go into that now. I do not think it would be fair to Lumley to keep him on, though it is bad luck that in so important a post as Bombay and in the senior Presidency Governorship the new Viceroy should have someone without previous experience, more particularly as the help which a new Governor of

8. No. 672, paras. 7-8.

Bombay can look for from his services is not, I fear, very great, and Lumley will be irreplaceable.

9. I am delighted that you dealt as you did with the Chinese Ambassador,⁹ and you know how grateful I am to you and to Winston for all your help over these people.

10. Very many thanks for the recommendation of the American War Production Board. I agree with you that there is far too great a tendency to think about a political settlement in India and to believe, first that any early political settlement is possible, secondly, that it would result in a great increase of national effort. You and I know from sad experience the difficulties in securing a political settlement, and I do not believe that we are really doing much worse as we are, in the absence of one, than we should short of being so fortunate as to find one in which no holes could be picked by any of the people who matter.

[Para. 11, on the folding bicycle, omitted.]

12. Paragraph 9 of your letter deals with this difficult business of the Sikhs. My judgment is, quite frankly, that the Sikhs though a nuisance well worth placating, are a relatively small nuisance. But there are no circumstance I can think of in which it would be practical politics to consider any sort of "Sikhistan"; and I would not think it wise even it to Glancy. The Hindus have made the mistake of taking Jinnah seriously about Pakistan, and as a result they have given substance to a shadow. Let us be warned by their example and avoid doing the same to a far more preposterous claim! For I am certain that if we did show the very slightest sign of taking "Sikhistan" seriously in the least degree, not only should we aggravate communal tension gravely in the Punjab, but we should never hear the end of it; and the Sikhs, as the Communal Award discussions in 1931 showed, find themselves occasionally in a position to wreck a scheme which would have gone down perfectly well with the major communities.

[Para. 13, containing personal comments, and para. 14 on the Maharaja of Indore's request to go to America to recover his health, omitted.]

P.S.—My grand-daughter is charming, but she will (*aet* 2) call me "Gandy Boy!" This, I feel, gives false hopes to Hindus!

9. See No. 596.

APPENDIX 18

MASTER TARA SINGH'S LETTER TO SECRETARY
OF STATE AND REPLY THEREOF

*Master Tara Singh's Letter of 25 May 1946 to the
Secretary of State for India*

“Since the British Cabinet Mission recommendations for the future constitution of India have been published, a wave of resentment and indignation has run throughout the Sikh community. The reasons are quite obvious. The Sikhs have been entirely thrown at the mercy of the Muslims. Group ‘B’ comprises Punjab, the North-West Province, Sind and Baluchistan and the representation given to each community will be : Muslims 23, Hindus 9 and Sikhs 4. Can anybody expect from this Assembly, constituted as it is, any consideration or justice for the Sikhs ? The Cabinet Mission recognises the genuine and acute anxiety among the Sikhs lest they should find themselves subjected to a perpetual Muslim majority rule. If the British government is not aware of Sikh feelings, the Sikhs will have to resort to some measures to convince everybody of the Sikh anxiety in case they are subjected to perpetual Muslim domination. The Cabinet Mission has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal but the whole province of Assam where the non-Muslims are in an overwhelming majority. This has been evidently done to placate the Muslims. It appears that Sikhs have been studiously debarred from having any effective influence in the province a group or general union. I refer to Section 15 (ii) and Section 19 (vii) in which it has been definitely provided that the majority of both Hindus and Muslims is necessary for certain purposes. The Sikhs are entirely ignored, though they are as much concerned as the other communities.

“This is how I read the recommendations of the Cabinet Mission, but as the issues are very grave and momentous, the Sikh representatives assembled here today to consider the situation created have advised me to seek clarification from you and find out if there is any hope of such amendments as may save the Sikhs from perpetual domination.

“So I put three questions :

1. What is the significance of recognising the Sikhs as one of the main communities ?
2. Suppose the majority of Section B frames a constitution under section 19 (v) but the Sikh members do not agree, does it mean a deadlock or does the opposition of the Sikh members mean simply discussion ?
3. Is there any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under Section 15 (ii) and 19 (iii) ?”

*Letter from the Secretary of State to Master Tara Singh,
dated 11 June 1946*

“Thank you, for your letter of May 25. The anxieties of the Sikhs were kept permanently in mind when we were drafting the Cabinet Mission statement, and I can certainly claim that of the various alternatives open to us the best one from the Sikh point of view was chosen. You will, I am sure, admit that, if India had been divided into two sovereign states or if Punjab was partitioned, either of these decisions would have been far less acceptable to Sikhs than the one which was actually reached.

“I have considered carefully the detailed points you have raised at the end of your letter. I fear the Mission cannot issue any addition to, or interpretation of, the statement. There is, however, no intention whatever to prejudice the position of the Sikhs in Punjab or in the north-west group, nor do I think their position has been prejudiced, for, it is inconceivable that either the Constituent Assembly or any future government of Punjab will overlook the special place of the Sikhs in province. The estimate of the importance of your community would never depend on the number of seats that you hold in the Constituent Assembly. The Viceroy has told me that he will be glad, in view of the anxieties you have expressed on behalf of your community, to discuss the position of the Sikhs specially with the leaders of the main parties when the Constituent Assembly has been formed. He hopes he may

be able to persuade them, if persuasion is needed, that the interests of the Sikhs should on no account be overlooked.

"If you and Sardar Baldev Singh would care to see the Cabinet Mission and Viceroy in the first week of June, we shall be glad to see you."

Sources : P. Sitaramayya, *The History of the Indian National Congress*, Vol. II; Mitra's *Register* (1946) Vol. I, pp. 202-203.

APPENDIX 19

SIKHS' NEGOTIATIONS WITH JINNAH

Sir B. Glancy (Punjab) to the Marquess of Linlithgow (Extract)
MSS. EUR. F. 125/91

Govt. House, Lahore, 13 November 1942

Private and Personal

D.-O. No. 417-F.L.

Dear Lord Linlithgow,

There is little of any great importance to bring to Your Excellency's notice since we met at Rawalpindi last month. Any active support of Congress appears to be on the decline, though there have been a few minor demonstrations on the part of students and others from time to time. The Sikh community as a whole has wisely continued to abstain from any participation in the Congress crusade. There is no doubt that the "Sikander-Baldev Singh Pact"¹ has been a powerful factor for good and that it has exercised a distinctly pacifying effect on the Sikh community. There are signs that Baldev

1. Since the 1937 elections, when the Unionist Party won a clear majority in the Punjab Legislature, its leader—Sir Sikandar Hyat Khan had held office as Premier with a Cabinet consisting of 3 Muslims, 2 Hindus and 1 Sikh. By the so-called Sikander-Baldev Singh Pact, announced on 15 June 1942, the Premier promised certain concessions to the Sikh community in return for which Baldev Singh, who now entered the Ministry, undertook to support the Unionist Government in the interests of communal unity and the defence of the country.

Singh is inclined to attach increasing value to his appointment as a Minister and that he is less likely to run out of the ropes. Communal relations have on the whole been less strained and social gatherings have been held at Lahore on the occasions of the 'Id and the Diwali with the object of bringing the various communities together; the Sikhs are about to organize a similar event in commemoration of Guru Nanak's birthday. This happy state of affairs is in danger of disturbance when Mr. Jinnah pays his forthcoming visit to the Punjab. Lyallpur, Jullundur and Lahore are included in his programme, and it is only to be expected that his tour will give rise to further disquieting cries for "Pakistan" and counter-attacks on the part of non-Muslims. Sikander, who would of course be much relieved if Jinnah's visits were cancelled, has chosen this time to float his scheme, of which I have already informed you,² for the possible dismemberment of the Province. The main object of his exposition is to point out the practical difficulties that lie in the way of partition, and in this he has not been without success. The scheme has not been popular with Muslims and it is of course intensely disliked by Hindus. *Sikh leaders have been professing to take the idea seriously and some of them have been attempting negotiations with Jinnah the intention being apparently to see whether they can get more out of Jinnah or Sikander; steps have been taken to point out to some of them in the course of friendly discussions that they are not likely to secure any practical benefit from dealings with Jinnah and that the various elements in the Province would be better advised to try and settle their difficulties among themselves. I do not think that responsible reasonably-minded Sikhs have any serious desire to see the Province dismembered as long as they are likely to be given a fair deal.*

2. Vol. II, No. 243.

APPENDIX 20

ATTEMPTS AT SIKH-MUSLIM RECONCILIATION

The Marquess of Linlithgow to Sir B. Glancy (Punjab) (Extract)
MSS. EUR. F. 125/91

Viceroy's Camp, Chiklod, Bhopal, 24 November 1942

Private and Personal

My dear Glancy,

Many thanks for your private and personal d.-o. No. 417—F.L.¹ of the 13th November, and for the news contained in it. I am glad that Baldev Singh is settling down and, as you know, I have always attached very great importance to the Sikander-Baldev Singh Pact, and hope sincerely that it will continue to pay a good dividend. I should think that you have got out of Jinnah's tour pretty lightly on the whole! I have read his speech at Lyallpur and, of course, on the main Pakistan issue he has not the slightest mention of making any move whatever. But I think that most people, too, appreciate Sikander's difficulties with the very awkward balance which he has to maintain between Muslim, Sikh, and Hindu in the Punjab, and realise the motives that prompt his occasional appeals against the Qaid-e-Azam and also his alternative schemes for dismemberment. *I get the impression of closer contact between the Muslims and the Sikhs, and you touch on that indirectly in paragraph 1 of your letter. It is an aspect of the general problem on which you may care to comment at some later date.*

1. No. 176.

APPENDIX 21

SIKH REACTION TO SIKANDER-BALDEV PACT

Sir B. Glancy (Punjab) to the Marquess of Linlithgow (Extract)
MSS. EUR. F. 125/92

"Barnes Court", Simla, 6 August 1943

Private and Personal

No. 465.

Dear Lord Linlithgow,

Increased activities by Muslim Leaguers have led to further

uneasiness in Ministerial and political circles. Captain Shaukat Hyat Khan's unpardonably indiscreet references to "Pakistan"¹ in the course of his recent tour came near to bringing matters to a head. His perambulations, as you are aware, have now been brought to an abrupt conclusion, but he has done enough to show that little, if any, reliance can be placed on his loyalty to his Leader. He has not entirely made up his mind whether to pose as the Repentant Sinner or the Injured Innocent : in the latter role he is sadly unconvincing and has met with no official applause. League newspapers, incited by Shaukat's vagaries, clamour more loudly than ever for a declaration that the Unionist Party is at an end, and a mischievous and unedifying controversy has been raging round the question whether the party in power is a creation of the League or a Coalition or a combination or merely a Union. There is a general demand that the Premier should come out into the open and make his position clear. It seems likely that he will be driven to do so as the result of the forthcoming Muslim League meeting at Delhi. The Premier is, I gather, determined to take his stand on the Sikander-Jinnah Pact² and to insist on retaining the term "Unionist" or "Unionist Coalition" (both of which expressions figure in the Pact) as the correct designation of his Party. His intentions are likely to be indicated to Jinnah before the meeting takes place. If Jinnah adopts a moderate line and decides not to force the issue, the existing truce may continue indefinitely. But, if he is set on pressing for outright subservience to the Muslim League, it is quite on the cards the Premier will conclude that his correct course is to resign, rather than see his Muslim followers gradually fading over into opposition under stress of promises and threats. I most sincerely hope that Jinnah's intransigence will not bring matters to this pass. It may be unlikely enough that his supporters could at present succeed in working up a majority in the Punjab Assembly, but each of the main communities as represented in the House contains

1. See No. 55, note 2.

2. Concluded at a meeting of the All-India Muslim League at Lucknow, 15 October 1937. It secured Muslim League support for the Punjab Unionist ministry.

a fairly large proportion of unstable elements, and in many cases it would be rash to assume that public interest would prevail over personal considerations. Even if it be taken for granted that the deadlock would be of short duration and would eventually result in the return of strugglers to the Unionist fold, it is disquieting to think that a pre-eminently Muslim Government, which, whatever its defects, has carried on for so many years with reasonable efficiency, should now collapse through the machinations of the Qaid-i-Azam and be replaced by a system of administration set up under Section 93 of the Act.

2. The Congress party have shown very little liveliness of late and there is not much prospect of their successfully staging any serious disturbances in the Punjab on the approaching anniversary of last year's sensational adventure. Precautions have, however, been taken, and Railway security measures are being brought into force in the south-east of the Province. The Hindu Press has naturally displayed considerable anxiety about the chances of the Ministry subordinating themselves to the Muslim League, and there have been various attempts to effect a better understanding between Hindus and Sikhs.

3. The Akalis have been busy defending their positions against assault. Master Tara Singh and Giani Kartar Singh have visited Simla and I have had a fairly long talk with them. It appears that, in spite of their almost incessant complaints that the Sikander-Baldev Pact³ is being disregarded, they realise that much has been done in fulfilment of its intention. A statement has been made by Master Tara Singh that his party will have nothing to do with a Muslims League Ministry, but it is a matter of opinion how far he would abide by this declaration if offered a substantial inducement to march in the opposite direction. His main interest is centred at present in a Bill for the Amendment of the Gurdwaras Act⁴ whereby he hopes that he and his associates on the Shiromani Gurdwaras Prabandhak Committee⁵ will acquire control of reve-

3. See No. 49, note 4.

4. *The Sikh Gurdwara Act* (Punjab Act VIII of 1953) provided for the registration of Sikh temples and rules for their management.

5. A committee established in 1920 for the central management of Sikh shrines. It later became the centre of Sikh politics.

nues now in the hands of various Local Committees and will be allowed in the alleged interests of the Panth an increased degree of latitude in the general disposal of religious funds.

APPENDIX 22

JINNAH'S OFFER OF AUTONOMY

Field Marshall Viscount Wavell to Mr. Amery

L/PO/10/21

The Viceroy's House, New Delhi, 15 August 1944

Private and Secret

Many thanks for your letter of 1st August.¹ The approaching discussion between Gandhi and Jinnah, which is announced for 19th August in Bombay, is giving rise to much speculation. There has for the past few days been a truce in the Press from recriminations likely to prejudice a settlement. But Hindu objections to the Rajagopalachari formula are still strong. Most educated Hindus dislike the Pakistan idea intensely and find it difficult to forgive Gandhi for going back on his earlier statements about it. Shyama Prasad Mookerjee and others have been in touch with Gandhi since he returned to Sevagram, and Mookerjee is reported to have said that he felt much encouraged—a statement which the Muslims find disquieting. *Jinnah has reverted to his proposal for some kind of special autonomy for the Sikhs within Pakistan*; but the Sikhs did not like this before and there is no reason to suppose that they will like it now. I am told that Tej Bahadur Sapru attempted to advise Gandhi the other day, and took the line that he must base himself on the 1935 Constitution and the Cripps offer. If he failed to do so, Jinnah would be free to range over the entire field of constitutional possibilities and would make most extravagant demands. Gandhi said that these were most complicated matters which Sapru must leave him to consider in his own way. Sapru is said to have left Sevagram in a very bad temper. I am sure that Gandhi's real object is to get the

1. No. 618.

Working Committee out of detention and that he will go a very long way (with the usual mental reservations) in dealing with Jinnah to secure the co-operation of the Muslim League. Having drafted an agreement of some kind he may tell Jinnah that he is at a disadvantage because the Working Committee, who alone can commit the Congress, are in detention, and may suggest a joint approach to the Viceroy to secure their release. Gandhi would of course be acting only in his personal capacity and would, as usual, keep various lines of retreat open. I think it unlikely that Jinnah will rise to this fly, but it is a possible that he may do so. Bhulabhai Desai recently wrote to Liaquat Ali Khan suggesting not a constitutional settlement but an alliance between the Congress and the League for the duration of the war.

2. Some publicity has been given in the newspapers here to a message by 41 men of the R.A.F. urging the solution of the Indian deadlock. I got the impression that the message was from R.A.F. men serving in India, but in fact it seems to have been a letter to the *Daily Worker* in England. It is irregular for members of the Fighting Services to express political opinions, and I suggest that you find out exactly what the message was and how it came to be published. References to it might well have been stopped in censorship either at your end or here.

(16 August.—I have just seen a telegram² to Joyee from Sen, which shows that the text of the letter was stopped in censorship here)

3. Jogendra Singh told me a few days ago that he wished to write a personal letter to Gandhi. I asked to see his draft, which was a plea for the unity of India and referred to the deterioration in the Public Services since constitutional reform began, and to the risk of further deterioration if we tried to move too fast. Jogendra Singh's idea is much the same as that stated in paragraph 5 of your letter. He would like to build on the Act of 1935, and mentioned this in his draft to Gandhi. He thinks that certain modifications in the Act would be needed (he is particularly anxious to secure better representation for landlords and others with a stake in the country), and

that if the modified Act worked reasonably well the Legislatures constituted under it could, after a stated period of, say, five years, form a Constituent Assembly to frame an entirely new Constitution. I asked Jogendra Singh not to send Gandhi his letter; it was harmless enough, but Gandhi might make embarrassing use of advice from Members of the Government.

4. I am examining with my Reforms Commissioner paragraphs 5 to 7 of your letter and may be able to let you have an opinion next week. I am told that the three main possibilities—the exclusion of the States, a reduction in the number of States required for Federation, and a modification of the number of the obligations which the States must undertake in order to federate—are all less simple than they seem at first sight.

5. I have just dealt with your telegrams³ giving the War Cabinet's final decision about my reply to Gandhi's letter of 27th July.⁴ I think very little of their draft even as modified, but have agreed to issue it omitting the reference in paragraph 4 to the removal of the threat of invasion, which adds nothing to the sense and might, in view of our recent successes, lead to unprofitable argument. I am grateful to you for the background information you have given me and agree that this occasion is not one for a head-on collision. But I feel that many of our troubles in India, both administrative and political, are due to ignorance and prejudice among your colleagues. It is discouraging work to serve an obviously hostile Cabinet who seem to have no confidence at all in my judgment on any matter. They have now turned down my recommendations for (a) Indian Finance Minister; (b) Section 93 in Bengal at the beginning of this year, (c) Bajpai's status; (d) the form of my reply to Mr. Gandhi; and (e) my requests for food imports, of which only my very great persistence has produced an inadequate amount. I know how much trouble and unpleasantness all these matters have caused you, and am very grateful indeed for your unfailing support.

6. The food situation is generally unchanged, but procurement in the United Provinces is so slow that Hallett's Government has had to ask for emergency help from the Food

3. Nos. 654-7.

4. See No. 614.

Department. The monsoon is reasonably satisfactory on the whole, but damage is reported both from excessive rain and from drought. I have already told you⁵ that a serious shortage is expected in Travancore and Cochin.

Woodhead's Committee has begun to take evidence in Calcutta. The protests about the hearing of witnesses *in camera* seem to have died down.

French and his Secretary have arrived and are staying with me for a day or two.

7. When I saw Casey in Calcutta on my way to Assam he discussed with me again his proposed Committee to enquire into administration in Bengal. He said he could not understand your objection⁶ that his enquiry would overlap seriously with the work of the Woodhead and Bhore Committees. What he contemplated was an enquiry going in great detail into district organisation and connected matters, and dealing in particular with the relations between District Officers and the staffs of the specialised departments (Medical, Public Health, Co-operative Societies, and so on). He did not much like any of the Chairmen you suggested, and though he was anxious to get two good officials of the Indian Civil Service to serve as members, he was determined to find a Chairman not brought up in Indian ways and new to the problems of Bengal. Rowlands told me some time ago that he had too little to do and was getting restive. I suggested to Casey that Rowlands would be an admirable Chairman if he could find the time, and if it was clearly understood that he might have to leave some of the details to his colleagues. Casey asked me to sound Rowlands without committing myself, and on my return to New Delhi I had this done. Rowlands was not enthusiastic, but said that if Casey and I thought him the best person for Chairman, he would be prepared to serve. He pointed out that the proposal would have to be referred to the Home authorities; that it would probably be useful for him to spend a fortnight or so in London to refresh his memory of the latest developments in Civil Service organisation and training there; and that if he became Chairman, he would have to leave his

5. No. 639, para. 3.

6. See No. 580.

Deputy, Smith, incharge of the current duties here and be free to leave the Committee if he were needed for the discussion of war problems at a high level. I have informed Casey of Rowlands' views, and if Casey wants him, will telegraph to you. I think Casey is right about the scope of his enquiry. He wants to go into far more detail than will be necessary for the Woodhead and Bhore Committees, and to consider the functions not only of the All-India and Class I Provincial Services but of the lower Services and the clerical staffs as well.

8. I presided a few days ago at a rather difficult discussion on our attitude to the revised demands of the Central Provision Office and connected matters. The departmental draft approved by the Members concerned began with a mass of figures and went on to a general statement of our economic troubles. It came to the conclusion that we could not accept any commitments over and above the level of the original commitments for 1944 and sought to transfer the responsibility for the decision of His Majesty's Government. It was to have been accompanied by a private telegram from me drafted by the Finance Member which gave some background material not included in the official draft. Rowlands did not like the official draft at all. His view is that as long as the war goes well and we hold the food situation, the inflationary danger is far less than our experts suppose. On these economic matters it is impossible to prove or disprove anything; but on the whole, I think the Finance Department here is more likely to be right than Rowlands. Our difficulties about food, coal and transportation show how severely our physical resources are strained. After hearing all concerned I decided that the War Department should despatch their figures in a departmental telegram⁷ and that I would draft a separate official telegram⁸ of my own giving the background, and asking His Majesty's Government to make sure that they reduce their demands to an absolute minimum, and to support our food position, on which everything else depends. I think my telegram was an improvement on the original draft though I realise that His Majesty's Government may not like it.

7. 6174 Guard of 11 August L/WS/I/582.

8. 1558-S of 11 August, *Ibid.*

[Para. 9, on reactions to the report on the Bombay explosion; and para. 10, on broadcasts for prisoners of war in Japanese hands, omitted.]

11. Can you tell me why the Cabinet decided⁹ to postpone the consideration of Bajpai's status for six months? If there is a good case for making him a Minister—as I think there is—the sooner we do it the better. If there is not, I do not see that a delay of six months will make much difference.

[Para. 12, on the selection of a Financial Adviser for Saudi Arabia; para. 13, on the proposed visit by the King of Nepal to India; para. 14, on Sir D. Pilditch's successor; para. 15, on the shortage of trained nurses; and para. 16, on Sir G. Cunningham's extension, omitted.]

17. As you know I have the Governors' Conference on the last three days of this month. If the political situation permits, I propose to go to Simla on the 2nd September, returning about the 14th. I shall then see Bhopal and his deputation on the 15th. I have no tours planned for October, but hope to visit the Punjab, the North-West Frontier, and possibly Baluchistan in November.

18. I am still getting evidence that Muslims are very anxious that there should be permission for the *Haj* this year; and that failure by His Majesty's Government to provide ships and escorts would be very unfavourably interpreted and would be much exploited by enemy propaganda. So I hope you will manage to persuade the Admiralty.

9. See No. 623, Minute 2.

APPENDIX 23

SIKHS PROPOSE PARTITION ON BASIS OF LANDED INTERESTS

Sir B. Glancy (Punjab) to the Marquess of Linlithgow (Extract)
MSS. EUR. F. 125/91

Govt. House, Lahore, 28 November 1942

Private and Personal

D.-O. No. 419 F.I.

Dear Lord Linlithgow,

The best thing to be said about Jinnah's tour in the Punjab

is that it has come to an end; it was throughout a success for the Qaid-i-Azam, but it has certainly not tended to improve communal relations. At the beginning of his crusade at Jullundur Jinnah made a pointed attack on the author of a certain new formula devised for the solution of India's difficulties; he was obviously referring to Sikander's "partition scheme",¹ though he did not mention the Premier by name. A day or two later Sikander found it expedient to attend the Muslim League meeting at Lyallpur and to make his obversance to the Qaid-i-Azam. In return for this Jinnah was kind enough to express his approval of the Premier and to say that at Jullundur he had not been alluding to Sikander's formula, which he had not had time to study. Sikander was undoubtedly in an embarrassing position and he could scarcely have been expected to risk an open rupture with Jinnah, but in proclaiming that he saw eye to eye with the champion of "Pakistan" he has to a considerable extent weakened the Baldev Singh-Sikander Pact² and undermined whatever confidence other communities have reposed in his assurances. The Sikhs in particular are feeling injured and bewildered. Master Tara Singh has been freely criticising both Jinnah and Sikander. Giani Kartar Singh appears to be still groping for some means to satisfy the separatist ambitions of his community. In a speech at Nankana he made bold to say that *Sikhs should work for the unity of India as a whole, but should aim at an appropriate partition of the Punjab. One of the suggestions is that this partition should be based not on population, but on landed interests, as this would lead to results more favourable to the Sikhs.* Among the Muslims there is a definitely increasing number shouting for "Pakistan", without for the most part any serious attempt at analysing what it means. The general atmosphere is more uneasy than it was and it looks as if cleavages would grow more pronounced.

Another Communal Reunion Party took place yesterday and I was among those present. This time the occasion was the anniversary of Guru Nanak's birthday and the host was Baldev Singh, who showed up well throughout and seems to

1. Vol. II, No. 243.

2. See No. 176, note i.

be gaining self-assurance. The usual speeches were made and everyone appeared very friendly, but there was a certain air of unreality about the proceedings.

APPENDIX 24

RADCLIFF'S AWARD

Sir Cyril Radcliffe's Award

To His Excellency the Governor-General,

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of Section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by announcement of the Governor-General, dated the 30th of June 1947, reference No. D50/7/47R. The members of the Commission thereby appointed were :

Mr. Justice Din Mohammad,
Mr. Justice Muhammad Munir,
Mr. Justice Mehr Chand Mahajan, and
Mr. Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows :

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.”

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested

parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July, 1947, to Thursday the 31st of July, 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments were conducted by counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly; but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all material submitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the West and on the East respectively which provoked no controversy as to which State they should be assigned; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors", which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances, my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which

forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States interested in canals whose headworks were situated in the Punjab Province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan, since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreement that either of these States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned. I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

9. The task of delimiting a boundary in the Punjab is difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej Rivers on the one hand and the River Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of these cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the

award of the Commission. I am conscious that there are legitimate criticisms to be made of it; as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas East of the Sutlej River and in the angle of the Beas and the Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Depalpur Canal, which serves areas in the West Punjab, takes off from the Ferozpur headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tehsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura and Layallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric-power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means to be found to gratify to the full these sentiments and aspirations, I think that they must be found in political arrangements with which I am not

concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

New Delhi.

The 12th August, 1947

CYRIL RADCLIFFE

THE SCHEDULE

Annexure A

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh River enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tehsil to the point where the Pathankot, Shakargarh and Gurdaspur tehsils meet. The tehsil's boundary and not the actual course of the Ujh River shall constitute the boundary between the East and the West Punjab.

2. From the point of meeting of the three tehsils above mentioned, the boundary (line) between the East and the West Punjab shall follow the line of the Ujh River to its junction with the River Ravi and thereafter the line of the River Ravi along the boundary between the tehsils of Gurdaspur and Shakargarh, the boundary between the tehsils of Batala and Narowal, the boundary between the tehsils of Ajnala and Narowal, and the boundary between the tehsils of Ajnala and Shahdara, to the point on the River Ravi where the district of Amritsar is divided from the district of Lahore. The tehsil boundaries referred to, and the actual course of the River Ujh or the River Ravi, shall constitute the boundary between the East and the West Punjab.

3. From the point on the River Ravi where the district is divided from the district of Lahore, the boundary between the East and the West Punjab shall turn southwards following the boundary between the tehsils of Ajnala and Lahore and then the tehsils of Tarn Taran and Lahore, to the point where the tehsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south-westward along the boundary between the tehsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh

Jharollian. It will then run along the eastern boundary of that village to its junction with village Cathianwala, turn along the northern boundary of village, and then run down its eastern boundary to its junction with Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Pajhuwan. The line will then run down the eastern boundary of village Panjhuwan to its junction within village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village and Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the north and village Sheikhupura Kuhna, Kamalpuran, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahidepur and Machhike. It will then turn north-eastward along the boundaries between village Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke and Gajjal. From that point the line will along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern

boundary of village Masteke to where it meets the boundary between the tehsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map authorised by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It continues along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and the West Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks and the boundary shall be adjusted accordingly.

7. So much of the Punjab as lies to the west of the line demarcated in the preceding paragraph shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

K.V.K. SUNDARAM
Officer on Special Duty

APPENDIX 25

SIKH PROBLEM AT THE TIME OF
TRANSFER OF POWER

ANNEX 1. LETTER FROM LORD PETHICK-LAWRENCE

Secretary of State,

TO HIS EXCELLENCY THE VICEROY

Private and Secret

India Office, Whitehall
April 3, 1947

5. The note which Jenkins enclosed with his letter of March 7 was, of course, with the purpose of indicating the need for negotiations for a Coalition Government and naturally emphasised the very strong objections which exist from the point of view of the interests of the Punjab as a whole, to any form of partition. I recognise the force of the considerations which Jenkins put forward and I appreciate that his note was drafted with the intention of bringing them home to political leaders and thus inducing a sense of compromise in which a Coalition, preferably of all three parties, might be formed. But it is very important that, if and when it is possible to make any further political move in regard to the Punjab we should consider carefully in what direction we ourselves want the situation to move from the point of view of securing a peaceful transfer of power.

6. If a Coalition of the Muslims and Sikhs or of all three communities were secured in the Punjab it seems very likely that, if we failed to get an all-India settlement, and therefore, in the all-India sphere, had to transfer power to more than one authority, a local Coalition Government in the Province could not hold together and would inevitably break up. This might happen shortly after we had left, which would be disastrous enough for India, or would be particularly embarrassing for HMG. I think it would be bound to happen sooner or later because the Punjab Muslim League would want to join with Sind (and the NWFP if the trend against the Red-Shirt-Congress Government gathers sufficient force) in forming

a Pakistan while the other elements in the Punjab Government would be strongly opposed to this and would wish the Punjab to go into the all-India constitution. Moreover, even if there were an all-India settlement it would necessarily be on the basis of minimum powers for the Central Government and autonomy in all other matters for Provinces. It would probably also have to be on the basis of grouping of Provinces. If so, I should anticipate that the Punjab Coalition Government would break down for the same reasons in those circumstances.

7. Therefore, it seems to me that, in spite of its grave practical difficulties and dangers, the partition of the Punjab to such degree and in such form as will satisfy the rival nationalisms in the Province is really unavoidable from the political point of view of the transfer of authority in June 1948. If however, we were to go for partition in the Punjab, we should, I think, have to go for it also in Bengal for broadly similar reasons. But partition of Bengal is more difficult because it involves putting Calcutta into Hindustan, because there is no local political deadlock in Bengal existing or in sight to justify such a step and because the Muslim League would, I think, be much more opposed to a partition of Bengal involving the loss of Calcutta than to a partition of the Punjab.

8. It seems to me, therefore, that it would be desirable at a fairly early date for you to confer with Burrows and Jenkins together and discuss the problem with them from this all-India point of view. Perhaps you could find an opportunity to do this at the Governors' Conference which you have convened for the middle of April.

9. I am not, of course, seeking to lay down any definite view on behalf of HMG in what I have written above. (I have not, as a matter of fact, had any real opportunity of discussing the problem with my colleagues). It is merely an indication of the way my own mind is working on the matter at the moment and I am quite open to conviction. But before any positive step is taken about the Punjab situation I should be glad to have, for consideration with my colleagues, your views on the point of view I have put forward in the light of a discussion with the Governors of these two provinces.

(SD) Petbick-Lawrence

Viceroy's Personal Reports
Report No. 2, April 9, 1947

2. The whole country continues in a dangerously unsettled state, although communal riots and troubles appear less obvious than they did last week. The situation in Bihar and Assam is on the whole slightly better, and Calcutta and Bombay are quieter, but the NWFP and the Punjab are still most unsettled, and there has been trouble at Gurgaon, within 20 miles of Delhi, which necessitated Jenkins' flying down to the area for a day's visit.

3. Ismay is back from his visits to Jenkins and Caroe, and has reported on the situation in the Punjab and the NWFP. Jenkins has no hope of getting out of Section 93 at present, certainly not this month and probably not next. The trouble is that a general election will solve nothing. The League would probably get majority of up to 5 out of 175 seats, and would then proceed to form a Government with a bare Muslim majority, without Sikh or Hindu representation; and then I am told there might be real trouble. The only hope of peaceful unified Punjab lies in a Union or Coalition Government, but there seems no real hope of this, anyway at present.

4. The only alternative to a Union Government is partition of the Punjab; this is recommended by Congress but could in Jenkins' view probably only be imposed by force, which would require a lot of troops, and spell economic ruin for the Province. I referred in my last report to the Sikhs' preparations for serious civil war, and I am anxious to avoid any chance of hot-headed action on their part. On Jenkins' recommendation I have decided to call them into consultation, and have asked Baldev Singh to invite Tara Singh* and Gyani Kartar Singh** to come and see me in Delhi.

5. In the NWFP the problem, unlike the Punjab, is not a communal one, the clash being between Congress financed Muslims and the Muslim League. It is complicated by the tribes, who broadly speaking are in sympathy with the League.

* Master Tara Singh, Leader of the Akali Sikhs.

** Gyani Kartar Singh, a Leader of the Akali Party and collaborator with Master Tara Singh.

The present Congress Government have clapped the opposition into jail, and feelings are running high, meanwhile the tribes may flare up at any moment. The Governor thinks that if things are allowed to continue as at present, there must be a progressive worsening of the situation and a disintegrating frontier.

6. Caroe told Ismay that he recommends forcing a general election on the Government on the grounds that it is necessary to ascertain, beyond any shadow of doubt, to whom power should be transferred after we leave. The best way to do this would probably be to dismiss the Ministry, dissolve the House, and for the Governor to take powers under Section 93. Only thus would a clean election be assured, but it is clearly a big difficult move which might infuriate Congress.

Viceroy's Personal Reports

Report No. 3, April 17, 1947

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2. The dangerously unsettled state of the whole country continues, and communal riots and troubles are on about the same scale as they were last week. In the Punjab the Gurgaon area is quieter, but there have been riots in Amritsar which have necessitated a 24-hour curfew. In the NWFP, rioting, looting and arson have been reported from Dera Ismail Khan. Half the city is in flames and there is severe communal fighting. Peshawar is quieter on the whole; but there has been trouble again in the Hazara district where the District and Assistant Commissioners' cars were stoned. The tribes are still very restless, but they are acting with restraint. But the tension both in the Punjab and the NWFP is still very high. I have retained here the Governor of the NWFP (Caroe) and sent for his Prime Minister, Dr. Khan Sahib,* so as to have a meeting tonight with Nehru as the situation is so explosive.

3. In Bengal, there were more incidents in Calcutta on Sunday, April 13. In Bombay a curfew at night has been imposed; and similarly at Benares, where in addition the

* Dr. Khan Sahib, Chief Minister, N.W.F.P. 1937-39 and from March 1945.

District Magistrate has fined the city a sum totalling nearly four lakhs of rupees for the disturbances and damage there.

4. I wish I could paint a more optimistic picture of the state of the country, but it would be wrong of me to do so, and the Governors' Conference (which I refer to at the end of this report) agrees entirely with this picture.

5. Although I am convinced, as indeed are all the Governors and leaders with whom I have discussed the matter, that the only step which is likely to clear the air of communal strife is an early and generally accepted decision on how power is to be transferred in June 1948, I felt that there was one step I could take at once to reduce the tension. I accordingly asked Mr. Jinnah when he came to see me if he would sign a joint appeal with Congress to renounce the use of force for political ends. He tried to evade a firm answer for about 20 minutes, by drawing my attention to his various speeches deploring massacres, etc. When he had finished I said, "Of course if you would find it in any way embarrassing to renounce the use of force and if I would be putting you at a disadvantage by negotiations instead of direct action, please consider the matter closed." There was an awkward pause, and he then said, "I should be proud to give a lead in this matter and am grateful to you for giving me the opportunity."

6. The next time I saw Jinnah I gave him a copy of the draft statement to take away and study. He warned me that Gandhi had refused to sign a similar appeal for Lord Wavell after the Calcutta massacres, and he did not think I would succeed in getting Gandhi to sign this time. No decision was reached, however, as to who the precise signatories on the Congress side would be; but Ismay tells me that as Jinnah said goodbye to him he said, "Who will sign for Congress, Gandhi or Kripalani?" Ismay replied that this would probably have to be settled by Congress themselves.

7. The next day Jinnah agreed to sign if Gandhi would also sign. I therefore got hold of Gandhi who after amending the wording slightly, then and there signed the declaration in three scripts. Merville then took the declaration to Jinnah to sign, and said that Kripalani, as President of the Congress, had agreed to sign after him. Jinnah thereupon refused to sign and said he would not sign if an unknown nobody like Krip-

lani was to sign on the same sheet of paper. Mievile was unable to move him or get him to accept any other signatories. On my instruction Mievile then got in touch with Nehru, who was furious but finally said he would leave it to me. Then Kripalani said that he had been instructed by Gandhi to sign and could not agree to having his name left off unless Gandhi agreed. By this time Gandhi had left by train for Patna, so I sent him a telegram, in reply to which Gandhi passed the ball back to Nehru and myself. Nehru wrote two pages of protest but finally left it to me, and so I issued the statement.

8. I have related this incident at some length to give an idea of the fantastic difficulties with which the simplest negotiations are hedged. It took us four days to get this statement through, and much time on it has been unnecessarily wasted by myself, my staff, and the most important political leaders in India. I only hope that both sides will abide by this declaration, but I fear that they may very well get out of it by accusing the other side of breaking the truce first.

Viceroy's Personal Reports Report No. 4, April 24, 1947

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13. I had my interview last Friday with the Sikhs represented by Master Tara Singh, Gyani Kartar Singh and Sardar Baldev Singh. Any hopes that I still entertained of being able to avoid the partition of the Punjab if Pakistan is forced on us were shattered at this meeting: all three Sikhs made it quite clear that they would fight to the last man if put under Muslim domination. They considered that the Cabinet Mission had let them down badly, and presented me with a book called *The Betrayal of the Sikhs* on this subject, written by Landon Sarasfield. They have an encyclopaedic knowledge of every letter that passed with the Secretary of State and of all statements made on the subject in the House of Commons and brought with them copies of *Hansard* and all the correspondence.

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15. ...But he said he feared the situation had so deteriorated that he simply did not know how the Sikhs could be

prevented from fighting, unless they were completely separated from the Punjab and guaranteed against any attacks. Even then, the preparations for civil war now going on showed what was brewing. In this connection I have seen an appeal issued by the Sikh leaders, calling for a "War Fund" of Rs. 50 lakhs, which sounds very ominous.

Viceroy's Personal Reports

Report No. 5, May 1, 1947

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23. I had a long talk with Jenkins about the partitioning of the Punjab. The bone of contention is going to be the area between the two rivers, Ravi and Sutlej, and it is going to be very difficult to produce a demarcation which will be accepted by both parties. The Sikhs in their endeavours to obtain a real "Sikhistan" are most anxious to take in a large part of the area where most of the land is owned by Sikhs but where the Muslim population predominates. To this I am absolutely opposed. The Sikhs also want their holy places preserved for them, including Lahore itself, the capital-designate of Pakistan. It is significant, however, that when the Sikh delegation saw me they particularly asked that I should not decide whether the Sikhs would join Pakistan or Hindustan, since they had not made up their minds to which side they wanted to go.

24. Jinnah told me that an emissary had come down asking if he would receive Kartar Singh with a view to discussions about the future of "Sikhistan". *When Meeville dined with Liaquat Ali Khan, the latter also hinted that there was a chance that "Sikhistan" might join up with Pakistan, and that the Muslim League would offer them very generous terms.* This would have the effect of avoiding the partition of the Punjab, since both halves would really vote to join up again. And since the principal imports are the wages and pensions of the soldiers, a split-up of the Punjab would have a very serious effect on the many Muslims living in the "Sikhistan" area as there would be no army really open to them to join.

25. Jenkins is of the opinion that there may be trouble on the announcement of the choice for partition, and I have discussed with him and the General Officer Commanding the necessary troops disposition to nip such trouble immediately in the bud.

Viceroy's Personal Reports
Report No. 6, May 8, 1947

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22. In connection with the article in *The Hindustan Times* suggesting that I was recommending an unfair division of the Punjab, the Maharaja of Patiala came round to see me last week, and told me that the Sikh leaders were perturbed because I was ruining the idea of "Sikhistan", since the partition lines I was reported to have chosen would divide the Sikhs, with two million of them in the East Punjab and one million eight hundred thousand in the West Punjab.

23. I made it very clear to the Maharaja that I was only making a national partition for purposes of voting, and that if partition were decided upon by vote, then a Boundary Commission would have to be set up composed of all interested parties, to try and arrive at a sensible boundary. I told him the origin of the partition request, which was that Congress wished me to take steps to ensure that no areas in which there is a non-Muslim majority should be put into Pakistan. I pointed out that there were only 12 out of 29 districts in which there was a non-Muslim majority. I drew his attention to the fact that there was not one single district in which the Sikhs had an overall majority, and that in no case did any of the 17 districts proposed for West Punjab have even a Hindu-Sikh majority.

24. Patiala (and the next day Baldev Singh) appealed to me to make partition line on the basis of Sikh landed property, Sikh sacred buildings and Sikh interests. I told him that world opinion would undoubtedly be against any attempt to put Muslim majority populations of the West Punjab under Sikh Hindus Congress domination merely on ownership of land and religious grounds.

25. Patiala was rather worried, for he said, "In that case I greatly fear the Sikhs will fight." I replied, "If they do, Maharaja Sahib, they will have to fight the Central Government for I and my Government are determined to put down any attempts at communal war with a ruthless iron hand; they will be opposed not only by tanks and armoured cars and artillery, but they will be bombed and machine-gunned from the air.

You can tell your Sikhs that if they start a war they will not be fighting the Muslim League, but the whole might of the armed forces." The Maharaja was visibly shaken and promised to report this to the Sikh leaders.

26. The next day in Cabinet, I raised the question of further aggression by Muslims, Sikhs or Hindus in any part of India. I asked if the Cabinet would support me to the hilt in putting down the first signs of communal war with overwhelming force, and if they agreed that we should also bomb and machinegun them from the air, and thus prove conclusively that communal war was not going to pay. This proposed policy was acclaimed with real enthusiasm by the Congress and Muslim League members alike, and when I looked across at the Defence Member, Baldev Singh, and said, "Are you with me in this policy," he replied, "Most emphatically, yes."

27. I am quite certain that unless the communal war which is now being built up is stopped in the first round, the whole of the north of India may flare up. I have told Jenkins and his acting General Officer Commanding, Major-General Bruce, and Lieutenant-General Sir Arthur Smith, the acting Commander-in-Chief, to prepare plans for moving in additional forces into the Punjab along the disputed territory between the Ravi and the Sutlej, in good time before the announcement of the voting on partition; I have also warned them to stand by on the North West Frontier, and have given Burrows the same warning for Bengal.

28. I sincerely hope that HMG will support me should this eventually arise. But I feel that if we can blot out 10,000 fanatics in the first round we may stop four hundred million people from being involved in war. In any case it will not be the British Viceroy doing this, but the whole of the Interim Coalition Government of India. It is in fact where there has been failure to curb movements of violence by sufficiently strong and quick use of armed force that massacres have spread.

Viceroy's Personal Reports
Report No. 7, May 15, 1947

ANNEX 2. LETTER FROM THE EARL OF LISTOWEL
TO HIS EXCELLENCY THE VICEROY

Private and Secret

India Office, Whitehall
May 9, 1947

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14. I suppose the basic fact of the situation is that the Sikhs have an exaggerated idea of their proper status in the future set-up. No doubt this is due partly to their historical position as the rulers of the Punjab, partly to the rather flattering treatment they have received from us as one of the great martial races of India, and partly to the fact that they consider that they have contributed out of proportion to their numbers to the economic wealth of the Punjab. On the other hand they are a community numbering only some 6 millions out of nearly 400 millions and in the Punjab itself they number only 4 millions among 28 millions. On any democratic basis, therefore, they must definitely be regarded as a minority (and not even as a "major" minority). Owing to the fact in no single district of the Punjab do they constitute a majority of the population, it is out of the question to meet their claims by setting up a separate Sikh State.

15. I understand that during the Cabinet Mission these considerations were put to the Sikhs in answer to their case but evidently it has all been like water off a duck's back. It was pointed out to the Sikhs, I am told, that even minimum Pakistan would include 12 million Sikhs and that therefore the alternatives for them were to be all together in Pakistan or divided between Pakistan and Hindustan.

17. There is no doubt that the Sikhs are a very dangerous element in the situation. Under your proposal they will be divided and I do not think that any subsequent adjustment of boundaries can possibly begin to satisfy the claims they put forward. I understand from Ismay that they are asking that the Lahore Division be kept out of the partition you propose pending a Boundary Commission at which Sikh claims would be considered. But Sikh claims are based not on population

but on such factors as the economic position of the Sikhs in certain parts of the Punjab and religious sentiment applying to certain areas where there are Sikh shrines. Unless the Boundary Commission were told to give weight to these factors it could not do more than make marginal adjustments in the boundaries where the division by districts in which Hindus or Muslims were in the majority. But if you are satisfied that a Boundary Commission, with terms of reference such as will help to keep the Sikhs quiet until the transfer of power, can be set up without provoking the hostility of the two major communities, I shall be very ready to support your view to my colleagues.

18. What the situation really calls for is a settlement between the Muslims and the Sikhs. Their interests are not necessarily irreconcilable and indeed have a good deal in common, as appears from the fact that they have worked together for many years under the Unionist party system in the Punjab. In this way the Sikhs would avoid being split up (which is their major interest) and the Muslims would get a larger and more viable Pakistan. But I fear the recent blood-letting has done much to destroy any chance of this, anyway for the present.

(SD) LISTOWEL

Viceroy's Personal Reports
Report No. 8, June 5, 1947

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26. On June 5, Tuesday afternoon I saw Gyani Kartar Singh. He surprised me by saying that when the bitterness had died down he would be prepared to see Mr. Jinnah and make the best terms he could for the Sikhs, who would come into Pakistan. Needless to say I much encouraged this. He also promised that the Sikh community would not fight so long as the British were present. While expressing my gratification at this, I pointed out that they would be hit just as hard by the Indian armed forces after the transfer of power as before, and I hoped the Sikhs would not be so foolish as to commit virtual suicide.

27. At 4 o'clock on Tuesday afternoon I saw the fourteen members of the Princely States Negotiating Committee and

gave them the partition and transfer of power printed plan, and explained it. It was surprisingly well received considering the difficulty pointed out by the Chancellor, His Highness of Bhopal. In general, the Committee agreed that the next two months must be utilised for negotiating temporary agreements on a stand-still basis to allow time for proper agreements to be entered into in due course.

28. The three leaders* had promised to broadcast that evening after me, asking that the plan should be accepted as peaceably as possible by their followers. At 7 o'clock I met them at the All-India Radio studio, and we made our broadcasts. The faces of the Muslim Leaguers when Nehru talked about allowing parts of India to secede from the Union were matched only by the expression of dismay on the faces of the Congress members.

Viceroy's Personal Reports Report No. 10, June 28, 1947

2. The internal situation in the country is much quieter with the unfortunate exception of the Punjab, where trouble has flared up again in Lahore, Amritsar and the Gurgaon district. In the two former the trouble is confined to arson and stabbing on a widespread scale. It is carried out by "cloak and dagger" methods and is therefore very difficult to put down. In Gurgaon, where my wife went again on June 26 there has been a long standing feud between the Meos and Jats, and now that additional troops with increased vehicles and wireless facilities have been sent in I hope that we shall be able to control the troubles. A similar Meo-Jat flare-up in the United Provinces was dealt with very quickly, as the authorities were ready for it.

3. Every responsible person is particularly worried about the situation in Lahore and Amritsar, for if we cannot stop this arson both cities will soon be burnt to the ground. In his interview with me on June 23, Jinnah begged me to be utterly ruthless in suppressing trouble in Lahore and Amritsar. He said, "I don't care whether you shoot Muslims or not, it has got to be stopped." On June 24 Nehru came to see me

* Nehru, Jinnah, Baldev Singh.

and talked in the same strain. He suggested turning over the cities to the military, withdrawing the police and declaring martial law.

4. I accordingly asked Jenkins for his views by seeraphone so that I could raise the matter in Cabinet on the following day. Jenkins replied to the effect that he had discussed a similar proposal on June 23 with the Lahore Area Commander and the Inspector General of Police and later with the local Party leaders, and had decided against it. His reasons were that since decisive action by troops against "cloak and dagger" activities was out of the question, martial law might well fail, and the troops would soon be exposed to the same communal attack as the police. To sum up, Jenkins, while admitting that the situation was causing him grave anxiety, did not think that martial law was the answer to trouble of this kind.

5. The meeting of the Cabinet on June 25 was a very difficult one. I was violently attacked by leaders of both parties for the complete failure of the "British" to maintain law and order under Section 93. Nehru, as usual, completely lost control of himself and demanded the sacking of every official, from the Governor downwards, that same day. I had to reprimand him publicly for this irresponsible suggestion. I must admit he took the rebuke very well. Patel then ranted against the British, saying that in the days when they were putting down Congress and freedom movements, they had no difficulty in keeping law and order. He said it was a case of the British covering up for the British. I told him I could not take such a slur, and he immediately said he had not meant it as a slur. Then the League started attacking me and saying that there would soon be no city left for them to inherit. Baldev chimed in with a "shoot everyone on sight" cry; upon which Patel pointed out that the only people shot by the troops were the wretched householders who were forced into the streets during curfew hours when their houses were set on fire !

6. Finally I obtained unanimous agreement that the Governor should be invited to form a Security Committee of the local leaders of the Hindus, Muslims and Sikhs; that this Committee should draw up an agreed list of local officials in

whom all three parties would have confidence; and that they should be put in power wherever possible. I suggested that the Security Committee should meet every day and that all the leaders, from the High Commands downwards, should use every effort to call off all violence. These proposals were well received and I passed them on to Jenkins at once. I am glad to say that the news from Lahore is now better.

Viceroy's Personal Reports
Report No. 17, August 16, 1947

APPENDIX IV. MEMORANDUM BY THE GOVERNOR
OF THE PUNJAB ON THE MAIN CRITICISMS AGAINST
THE PUNJAB GOVERNMENT FOR ITS HANDLING OF
THE CURRENT DISTURBANCES

Government House, Lahore,
August 4, 1947

Dear Lord Mountbatten,

Your Excellency asked me on July 26 to prepare a memorandum on the main criticism against the Punjab Government for its handling of the current disturbances. I enclose a memorandum which is, I am afraid, rather sketchy; I have a good deal of other work on my hands, and though most of the material required for a full survey is on record, it takes time to get it arranged.

2. I have not dealt in the memorandum with the allegation of partiality made at different times against me personally by the Congress and the Muslim League. Indian politicians and journalists seldom realise that a Governor maintains very close touch with the Governor-General, and takes no important action without the Governor-General's knowledge. I am content to leave it to Lord Wavell and Your Excellency to decide whether my letters and telegrams since I took charge in the Punjab on April 8, 1946 have disclosed bias for or against any party. These documents give a complete account of political conditions in the Punjab as they appeared to me from time to time, and my appreciations and recommendations for action were generally approved both by Lord Wavell and

by Your Excellency. In only one case has a critic dared to make a specific allegation—in a recent editorial in *Dawn* it was stated that the editor ‘had reason to believe’ that I was attempting to influence the higher authorities and the Chairman of the Boundary Commission in favour of the Sikhs. The words “the higher authorities” in this context can only mean the Governor-General and Cabinet Ministers in the United Kingdom. I have certainly kept Your Excellency informed of the Sikh view, but I have never advised that it should be accepted, and I have no direct contacts of any kind with Cabinet Ministers at home—except that during disturbed periods I have, in accordance with the standing orders, sent a daily factual telegram describing events to the Secretary of State. Nor have I discussed the boundary problem with the Chairman of the Boundary Commission or attempted to influence him or his colleagues in any way, directly or indirectly. These facts can be proved, and the falsity of this specific allegation indicates the quality of the more general allegations of partiality.

Yours sincerely,
E. M. JENKINS

APPENDIX IV. MEMORANDUM

There have been many criticisms of the Punjab Government's handling of the disturbances of 1947. During his visit to Lahore on July 20, His Excellency the Governor-General suggested that I should record them and add my comments.

2. The main criticisms are :

(i) that while the British were able to crush without difficulty the disturbances of 1942, they failed to deal in the same way with the disturbances of 1947 (Congress—particularly Nehru and Patel);

(ii) that British officials have been callous and incompetent, and have taken the line that since the British are going, massacre, arson and looting are of no consequence (Congress—particularly Nehru and Patel);

(iii) that in the Punjab the worst districts have been those staffed by British officials—Indian officials have managed to maintain order (Congress—Nehru);

(iv) that Congress Governments have had no difficulty in suppressing disturbances—the worst Province of all has been the Punjab, which is still “under British rule” (Congress—Nehru);

(v) that the fire services in the cities, particularly in Lahore and Amritsar, have been inefficient and useless (Congress);

(vi) that the Magistrates and Police have been both incompetent and partial, and that the Police have connived at and actually participated in murder, arson, and looting (Congress);

(vii) that Martial Law should have been declared at least in Lahore and possibly elsewhere (Congress).

Attacks on the administration were not confined to the Congress Party—the Muslim League were equally severe, though less precise except in their constant allegations of partiality against myself.

3. There are two short answers to most of these criticisms.

In the first place, the critics have missed the significance of what is happening in the Punjab. We are faced not with an ordinary exhibition of political or communal violence, but with a struggle between the communities for the power which we are shortly to abandon. Normal standards cannot be applied to this communal war of succession, which has subjected all sections of the population to unprecedented strains, has dissolved old loyalties and created new ones, and has produced many of the symptoms of a revolution.

Secondly, the critics are themselves participants in the events which they profess to deplore. During the disturbances Nehru, Patel, and Baldev Singh have visited various parts of the Punjab. They have done so nominally as Members of the Central Government, but in fact as communal leaders. To the best of my belief not one of them made during these visits any contact of importance with any Muslim. Nehru was balanced and sensible, but Baldev Singh on at least two occasions went in for most violent communal publicity, and Patel's visit to Gurgaon was used to make it appear that the Hindus in that district were the victims of Muslim aggression, whereas broadly the contrary was the case. Conversely when Liaquat Ali Khan or Ghazanfar Ali Khan* visited the Punjab, they did so not to

* Raja Ghazanfar Ali Khan, Member Council, All-India Muslim League and Member for Health in the Interim Government.

assist the administration, but to assist the Muslims. When a Hindu leader talks about "utter ruthlessness" or "martial law", he means that he wants as many Muslims as possible shot out of hand; Muslims are less fond of these terms, but all communities, Muslim, Hindu, and Sikh persist in regarding themselves as blameless. Moreover, there is very little doubt that the disturbances have in some degree been organised and paid for by persons or bodies directly or indirectly under the control of the Muslim League, the Congress, and the Akali party. The evidence of this is to be found in the daily intelligence summaries, and in the solicitude with which prominent men—particularly among the Hindus—take up the cases of suspects belonging to their own community.

Criticisms which are based upon a genuine or studied misconception of the real situation, and which are made by people with an intense personal interest in the communal struggle cannot be accepted at their face value.

4. Before the criticisms are examined individually, some understanding of the Punjab background is essential. From 1921 to the end of 1942 the Punjab was dominated by home-grown Muslim leaders powerful enough to control, or at least to influence very greatly, the policy of the Muslim League as a whole. These leaders saw clearly that the Punjab as it stood then, and still stands until August 15, could not be governed by a communal party, Muslim or non-Muslim. They therefore developed the Unionist idea—a United Punjab, with a Unionist Party open to members of all communities, under Muslim leadership. As the Muslim League gained strength, the Muslim Unionists were driven to equivocation. They could not deny Pakistan and endeavoured to treat it as a matter external to the Punjab; but it was clear from the first that Pakistan was a vital internal issue and that sooner or later the Punjabi Muslims would have to accept it fully and join the League, or reject it and maintain the Unionist idea. With the death of Sir Sikander Hyat Khan* at the end of 1942, the Unionist Party began to disintegrate. The last Unionist Ministry under

* Sardar Sir Sikander Hyat Khan, Premier of the Punjab from 1937-42.

Malik Sir Khizar Hayat Khan Tiwana† continued uneasily until the General Election of 1945-46 which was fought on the most bitter communal lines. Only eight or nine Muslim Unionists survived; with one or two exceptions Hindu Unionists were defeated or absorbed by the Congress Party; and Sikh Unionists joined the Panthic Party. The Punjab had reached the worst possible position, so long avoided, in which practically all Muslims were on one side of the fence and practically all non-Muslims on the other.

The situation might have been saved by a genuine coalition between the Muslim League on the one hand and the Congress or the Panthic Party on the other. But communal feeling was too strong, and both the Muslim League and the Congress were under orders from outside the Punjab. A country with thirty million inhabitants was sucked into the vortex of all-India politics : Punjabis ceased to be Punjabis and became Muslims, Hindus, and Sikhs—the Sikhs alone retaining their political independence. In the upshot a makeshift coalition was formed between the Congress, the Panthic Party, and the small Unionist remnant, under the leadership of Malik Sir Khizar Hayat Khan Tiwana.

The new Coalition Ministry took office in March 1946; when I assumed charge as Governor on April 8, 1946, it had just weathered the Budget Session of the Assembly, but had attempted no legislation. The Ministers lacked confidence in themselves and in one other. They were cordially hated by the Muslim League Opposition, and had no contacts with the Opposition. In fact until the Ministry resigned in March 1947, I was the only member of the Government who could meet members of the Opposition naturally and without constraint.

During the remainder of 1946 the Coalition Ministry managed better than might have been expected. The Ministers were terrified of the Legislature, and when in July 1946, a Session became inevitable for the elections to the Constituent Assembly, they used their small majority to secure the Adjournment as soon as the obligatory business was over. They were most ingenious in avoiding legislation, thus depriving the

† Nawab Malik Sir Khizar Hayat Khan Tiwana, Premier of the Punjab from 1942-47.

Opposition of opportunities of constitutional combat; they were equally ingenious in annoying members of the Opposition in various small ways. Many of the Muslim League complaints against the Ministry were exaggerated or untrue; but the tactics and conduct of the Coalition Ministry were intensely annoying to the Muslim League, and with some reason. The largest single party had been shut out of office, and might have to wait indefinitely for its turn.

In these highly explosive conditions, the news of communal disorders on an unprecedented scale in Bombay, Calcutta, Noakhali, Bihar, the Western United Provinces and the NWFP caused great alarm. The Coalition Ministry took strong action. Minor trouble which occurred in Amritsar and Multan early in the summer had been effectively dealt with; and more serious disturbances at Ludhiana and Rohtak later in the year were quickly suppressed. The Rohtak disturbances were directly connected with those in the Western United Provinces, and were extremely dangerous. A "civil war" atmosphere was at this stage developing throughout the Punjab, and all communities were arming for a struggle which seemed inevitable. The Punjab Public Safety Ordinance, promulgated in November 1946, reflected the views of the Ministry on the situation.

The Ministry saw that "private armies" might play a large part in communal strife. Two of these—the Muslim League National Guards and the Rashtriya Swayam Sewak Sangh—were prominent and were growing rapidly. The Sikhs had disbanded their Akali Sena about 1940, and it was thought undesirable that they should have an excuse for reviving it. In January 1947 the Ministry accordingly banned the Muslim League National Guards and the Rashtriya Swayam Sewak Sangh under the Criminal Law Amendment Act, 1908. I had advocated this action some months earlier, and concurred in the January decision.

The banning of the Muslim League National Guards was the signal for a Civil Disobedience movement by the Muslim League. This movement was modelled on the Congress movements of the nineteen-twenties, and its object being to dislodge a "popular" Ministry, it was clearly unconstitutional. The "defence of civil liberties" was an inadequate cloak for the real

intentions of the demonstrators. By the middle of February the Coalition Ministry decided to compromise with the Muslim League, and did so on about February 26. The movement has induced a universal contempt for law and order, and the extreme arrogance of the demonstrators had alarmed the non-Muslims to the point of hysteria.

In the meantime on February 20, HMG had announced their intention of leaving India not later than June 30, 1948, and of transferring power to a successor Government, or to successor Governments whose identity was unknown. The Muslims were anxious, and apparently almost ready, to seize the whole of the Punjab for Pakistan; the non-Muslims were passionately determined that they should not do so.

The Coalition Ministry, shaken by the Civil Disobedience Movement, and profoundly depressed by the Statement of February 20, decided initially to see the Budget session through, and to attempt during or after the Session some party readjustments. That at least was the Premier's intention, in which his colleagues concurred. But quite suddenly, and for reasons not fully known to me, the Premier decided on March 2, to resign. He did so late in the evening, and on March 3, after seeing the Finance and Development Minister (to whom the Premier's decision had been a considerable shock), I sent for Mamdot* and asked him to form a Ministry.

The non-Muslims believed that a Muslim League Ministry would destroy them and there was little hope of a Coalition, without which Mamdot could not count on a majority in the Assembly. To clinch the matter the Congress and Panthic Sikhs held a large meeting in Lahore on the evening of March 3, at which very violent speeches were made. On the morning of March 4, rioting broke out in Lahore.

On the evening of March 4, the outgoing Ministers refused to carry on in accordance with the usual convention; and since on March 5, Mamdot showed no sign of producing a Ministry, a proclamation under Section 93 of the Government of India Act, 1935, was made on the evening of that date.

Thus I assumed direct personal charge of the Punjab with the Muslims intent upon the communal domination of the

* Iftikhar Husain Khan, Leader of the Muslim League in the Punjab.

whole of it, the non-Muslims determined not to submit to Muslim domination, fighting in progress in the principal cities and the prospect of "vacant possession" for some person or persons unknown not later than June 30, 1948. I was without Advisers, because a sufficient number of senior officials was not available. It was clear that a communal Ministry—Muslim or non-Muslim—had no hope of survival. It was equally clear that a new Coalition was out of the question. Between March 1947 and June 1948 officials would inevitably be driven to take sides, and the services would disintegrate. The prospects were therefore not encouraging.

It has been represented from time to time that Mamdot could have formed a Ministry during March. In fact Mamdot showed little eagerness to form a Ministry—the events of the first half of March were too much for him—and it is my belief that he has not at any time had the support of a majority in the Assembly.

Rioting broke out in Lahore City on March 4, as I have said above. The disturbances since that date have fallen into three main phases :

(i) March 4 to March 20. Rioting in Lahore, Amritsar, Multan, Rawalpindi, Jullundur and Sialkot cities. Rural massacres of non-Muslims in Rawalpindi, Attock and Jhelum districts of Rawalpindi Division, and in Multan district, casualties very heavy, and much burning especially in Multan and Amritsar. I was able to report on March 21, that order had been restored everywhere.

(ii) March 21 to May 9, Minor incidents in many districts. Serious rioting and burning in Amritsar April 11-13, with some repercussions in Lahore. Trouble at Hodal, a small town in Gurgaon district, followed by the first outbreak along the Mewat in the same district.

(iii) May 10, onwards. The communal "war of succession". Incendiarism, stabbing, and bombing in Lahore and Amritsar.

Serious incidents reported from various districts, particularly Gujranwala and Hoshiarpur. Urban rioting almost unknown, and all activities in cities, including some organised raids, conducted on "cloak and dagger" basis. Village raiding begins, especially in Amritsar, Lahore, Ferozepore, Jullundur,

and Hoshiarpur districts. Revival of disturbances in Gurgaon with 140 villages burnt and very heavy casualties.

The first phase presented many of the features of normal communal disturbances of the past. The urban slaughter was without precedent (in Multan city about 130 non-Muslims were killed in three hours), and the wholesale burnings both urban and rural, and the rural massacres were new. But on the whole, the situation yielded to the usual treatment.

The second phase was used by the communities for preparations. It was relatively quiet, but there was much practising with bombs, and ill-feeling never really died down in Lahore and Amritsar.

The third phase showed the real dimensions of the problem. The communities settled down to do the maximum amount of damage to one another while exposing the minimum expanse of surface to the troops and police. Mass terrorism of this kind offers no easy answer—troops and police can act, and sometimes act decisively, against riotous mobs. They can do little against burning, stabbing and bombing by individuals. Nor can all the King's horses and all the King's men prevent—though they may be able to punish—conflict between communities inter-locked in villages over wide areas of the country.

The casualties in all three phases as reported up to August 2, are :

<i>A. Urban</i>	<i>Killed</i>	<i>Seriously injured</i>
Lahore	382	823
Amritsar	315	666
Multan	131	133
Rawalpindi	99	230
Other cities	117	171
	— —	— —
	1044	2023
	— —	— —

<i>B. Rural</i>	<i>Killed</i>	<i>Seriously injured</i>
Rawalpindi	2164	167
Attock	620	30
Jhelum	210	2
Multan	58	20
Gurgaon	284	125
Amritsar	110	70
Hoshiarpur	51	19
Jullundur	47	51
Other districts	44	36
	<hr/>	<hr/>
	3588	550
	<hr/>	<hr/>
<i>G. Total</i>	4632	2573
	<hr/>	<hr/>

The figures are clearly incomplete, especially for Gurgaon, where the dead and wounded are usually removed by their own party. In my opinion not less than 5,000, and probably not part of the General Officer Commanding-in-Chief, Northern Command, and the Commanders employed under him; and the troops, who were required to perform unpleasant tasks in conditions of great discomfort, behave admirably.

Special powers for dealing with the disturbances were taken in the Punjab Disturbed Areas Act, 1947, the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947 and the Punjab Public Safety Act, 1947.

I turn now to a detailed examination of the criticisms set out in paragraph 2 of this memorandum.

6. (i) That while the British were able to crush without difficulty the disturbances of 1942, they failed to deal in the same way with the disturbances of 1947.

The disturbances of 1942 were most serious in the United Provinces and Bihar. They were not crushed without difficulty in these Provinces, and I doubt if Bihar has been completely normal since they took place. In the Punjab, where the disturbances of 1942 were conducted by a handful of Congressmen, and the great mass of the people were not opposed to the War effort, they were of little importance.

The disturbances of 1942 in the Provinces in which they were serious were (a) initiated by a single political party, against (b) Governments actually at war, which (c) had at the time no intention whatever of transferring power to any other authority.

The disturbances of 1947 were (a) initiated by the communities against (b) one another in the presence of (c) a Government which was to transfer power to an unknown successor or successors not later than June 1948.

The object of the disturbances of 1947 was to facilitate the defeat of the British in War by the Germans and the Japanese.

The object of the disturbances of 1947 was to secure a more favourable position for one community or the other on the transfer of power (*e.g.* in the Rawalpindi Division the underlying idea was to eliminate the non-Muslim fifth column; in Lahore the Muslims wanted to scare away the non-Muslim element in the population, and so on).

In 1942 attacks were concentrated on Government property and Government servants, in other words on points that were largely known.

In 1947 little attention was paid to Government property and Government servants—the “two nations” fought one another in the streets, in the markets, in the fields, and in the villages. When it was found that rioting could be checked, the fighting took the form of mass terrorism.

The critics are evidently not comparing like with like. There is no resemblance whatever between the two situations. A more relevant comparison is between 1946 and 1947. Throughout 1946 the Punjab was in grave danger. The measures taken to deal with communal trouble were essentially my own, though constitutionally taken by the Ministry, and I had at my disposal the same resources as I had in 1947. It was the knowledge that power was to be transferred that made the disturbances of 1947 so much more widespread and persistent than those of 1946.

7. (ii) That British officials have been callous and incompetent, and have taken the line that since the British are going, massacre, arson and looting are of no consequence.

This criticism is easy to make, but difficult to prove or to disprove. In two cases I was informed that British officials had

told persons who asked for help that they should "consult Nehru or Patel". On enquiry the allegations in both cases were found to be false. I attribute the criticism to two main causes—first that the British as a race do not always talk seriously about things which they take seriously; and secondly that, to use the current psychological jargon, the average educated Indian is compelled to rationalize the behaviour of his countrymen. As an example of the first cause, Nehru was evidently shocked at a reference by the former Deputy Commissioner of Gurgaon to the "score" of casualties, but it is a convenient way of expressing a thought always in the mind of an experienced District officer, namely, that trouble seldom stops when the number of combatants are roughly equal until casualties are also roughly equal. The second cause is less definite, but the role of scape-goat or whipping boy is not unfamiliar to officials in India.

I am satisfied that no British official has been callous. There are not many British officials left, and those actually concerned with the disturbances have worked with devotion and humanity. They have been incessantly baited by the politicians.

Competence is a different matter. Two officers of the Indian Police and one member of the Indian Civil Service broke down and either asked or had to be relieved. The strain of prolonged civil disturbances differs from that of War, but is not less severe. I have experience both of the Indian Civil Service and of the Police who maintained the high traditions of their respective Services. They have certainly not been influenced by their approaching departure. In particular the Inspector-General of Police and the few British officers of his headquarters staff—all of whom are heavily worked—have taken duty voluntarily in Lahore city night after night, in the central room, on patrol, and extinguishing fires.

The criticism assumes that we have failed, and that the small remaining body of British officials is responsible for the failure. In fact, nobody who has not lived through the last six months in the Punjab can conceive of the dangers we have escaped. To take a Province of thirty million people noted for their pugnacity, to whip these people into a communal frenzy, to tell them that the authority, which has held the ring for nearly a century is going almost immediately, to divide their

Province into two parts by a boundary driven through an area homogenous in everything but religion, and to convert its two principal cities into frontier towns—these are surely no ordinary operations, and if the critics thought that they would not be attended by disorder, the critics were wrong. It is largely owing to the steadiness and impartiality of the British officials that the Punjab has not through as well as it has.

13. If I have succeeded in showing that we have in the Punjab the kind of situation in which people fight a situation as real as that in Palestine which incidentally is about equal in area to, and considerably smaller in population than the Multan and Muzaffargarh Districts that the critics themselves are in part responsible for this situation and have given no help to the authorities, that talk about the inefficiency of British rule ignores the fact that the object of the present exercise is to eliminate it; and that on the whole we have done our best in an intolerably difficult situation; this memorandum will have served its purpose. The future is unknown and it would be idle to speculate upon it. But it is a certainty that our present critics will have it both ways—if things go badly it will be because the British made them so, if things go well it will be because of Indian efficiency. It is perhaps worth pointing out that the grouping of forces and the problems to be solved will be entirely different from August 15, and that neither improvement nor deterioration after that date will prove anything whatever.

E.M. JENKINS

Governor of the Punjab

4.8.47

APPENDIX 26

MAHATMA GANDHI'S SPEECH AT GURDWARA SIS GANJ, DELHI

THE SIKHS

Sikh minority claims

I venture to suggest that the non-violence creed of the Congress is the surest guarantee of good faith, and our Sikh

friends have no reason to fear that it would betray them. For, the moment it did so, the Congress would not only thereby seals its own doom but that of the country too. Moreover the Sikhs are a brave people. They will know how to safeguard their rights by the exercise of arms if it should ever come to that.

Sardar Madhusudan Singh in his speech has asked for an assurance that the Congress would do nothing that might alienate the sympathies of the Sikhs from the Congress. Well, the Congress in its Lahore session passed a resolution that it would not endorse any settlement with regard to the minority question that failed to satisfy any of the minorities concerned. What further assurance can the Congress give you to set you at ease I really fail to understand.

Then there is the controversy about the inclusion of the Sikh colour in the national flag. No blame can possibly attach to the Congress in this respect. The present design was suggested by me. The Congress has not even formally adopted it. I had offered to the Sikh friends to place before the A.I.C.C. their viewpoint if they could apprise me of it. But as it turned out, the A.I.C.C. could not meet after that and no one knows as to when it will be able to meet at all. Even the Working Committee is out today on sufferance. To raise this controversy at this time, the time when the Congress is fighting for its very existence, would be, to say the least, an unseemly act. You may not obstruct if you cannot help.

The Sikhs have given their loyal and unstinted co-operation to the Congress in many parts of India like Bombay, Delhi etc. But these brave people have never bothered themselves about the flag question. The flag controversy is being conducted mostly by those who have held aloof from the present movement. A brave man always gives credit to the other party for its bona fides. Why won't you have faith? If the Congress should play false afterwards, you can well settle scores with it, for you hold the sword. I would ask you therefore to cast out suspicion and distrust from your mind and to plunge into this sacred *yajna* of freedom whole-heartedly. You will find that when you are ready to make the extreme sacrifice you will disdain to ask for guarantees. It will be for

others to look up to you as the champions of their rights as it will be for you to fulfil their expectations...

...I ask you to accept my word and the resolution of the Congress that it will not betray a single individual much less a community. If it ever thinks of doing so, it will only hasten its own doom. No nation determined to immolate itself at the altar of freedom can be guilty of breach of faith. My life has been an open book. I have no secrets and I encourage no secrets. I pray you, therefore, to unbosom yourselves of all your doubts and apprehensions and I shall try to meet you as best I can. What more shall I say? What more can I say than this. 'Let God be witness of the bond that binds me and the Congress with you?'⁵⁹

What I have said about the Muslims applies equally to Sikhs. If thirty lakhs of Sikhs will obstruct Indian independence, we shall deal with them non-violently. Non-violent Swaraj cannot be won except by non-violence.⁶⁰

APPENDIX 27

CONGRESS ASSURANCE TO SIKHS

DRAFT RESOLUTION FOR AICC PREPARED UNDER GANDHIJI'S GUIDANCE

The AICC having considered the events that have taken place in the country since its meeting in November last, the statement issued by the British Government on 6 December, 1946, and the statement of the Working Committee of 22 December, 1946, advises Congressmen as follows :

1. The AICC endorses the statement of Working Committee of December, 1946, and expresses its agreement with the view contained therein.

2. While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become not only unnecessary but also undesirable owing to the recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

3. The AICC is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by the British power or any other external authority, and no compulsion on any province or part of a province by another province. The AICC realises and appreciates the difficulties placed in the way of some provinces, notably Assam and the NWFP, and the Sikhs in the Punjab, by the British Cabinet's scheme of 16 May, 1946, and more especially by the interpretation put upon it by the British Government in their statement of 6 December, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned. The British Government have said as much in this connection in their statement of 6 December.

4. The AICC is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agrees to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the sections.

5. The consequences of this may be that a province or group might prefer to keep out of the Constituent Assembly or any of its sections in the initial stages. Those who participate in the Constituent Assembly or the sections will proceed to frame a constitution in terms of the Cabinet Mission's statement, which constitution will be initially binding on them alone.

6. The constitution must be framed for the whole of India with specific provision laying down how those who have not participated in its making may avail themselves of it.

APPENDIX 28

**S. UJJAL SINGH'S LETTER TO MINORITIES
SUB-COMMITTEE OF CONSTITUENT ASSEMBLY****Letter to Minorties Sub-Committee**

Below is the copy of the letter sent by Sardar Ujjal Singh on July 28, 1947 to the Chairman, Minorities Sub-Committee, Indian Constituent Assembly, New Delhi.

Sir,

I wish to record my dissent on the decisions taken by your Committee in regard to certain matters.

1. Representation in Legislatures, Joint vs. Separate Electorates and Weightage :

(i) The Sub-Committee has decided that a minority candidate standing for election for the reserved seat should poll a minimum number of votes of his own community before he is declared elected. No minimum percentage, however, has been fixed; I am of the opinion that no candidate of a minority community should be declared successful unless he secures the prescribed minimum of 30% of the total votes polled by his own community.

(ii) The Sub-Committee has decided that no weightage be given to any minority in Groups B and C in which the Sikhs are included.

The Sikhs have enjoyed weightage since the Montford Reforms both in the Punjab and N. W. F. P. Legislative Assemblies and also in the Central Legislature. Their special importance and position in the Punjab has always been admitted.

The Congress, by its resolution of December 1929 at Lahore, gave an assurance to the Sikhs that no solution of the communal problem will be acceptable to the Congress which will not give satisfaction to the Sikh community.

At the Allahabad Unity Conference held in 1932 in which all communities and political parties were represented, it was agreed that the Sikhs should have 20% representation in the Punjab against their population of about 12% and nearly 5% (14 out of 300 seats) in the Central Legislature.

The Sapru Committee also recommended similar weightage for the Sikhs in the Centre, although it did not formulate any proposal for the provincial legislatures.

Sir Stafford Cripps and the Secretary of State for India, in their speeches in British Parliament in July, 1946 clearly stated that a strong position should be given to the Sikhs in the Punjab and N. W. F. P.

The Working Committee of the Congress in its resolution in August, 1946 also assured that they will fully safeguard the interests of the Sikh community.

In view of these assurances, it is disappointing to find that the claim for weightage, by which the strong position of the Sikhs can be maintained in the Punjab, has been turned down by a majority decision of the Sub-Committee. The Sikhs have been very hard hit by the partition of the Punjab as a result of the establishment of Pakistan and it is only just and proper that weightage in the Provincial Legislature and Executive of the East Punjab as well as in the Union Centre should be provided for them.

(iii) Seats should also be reserved for the Sikhs in other provinces like U.P. Delhi, West Bengal, C.P. and Berar and Bihar where their population ranges between 14,000 and 2½ lakhs.

2. Seats should be reserved for the Sikhs in the Cabinet of the Punjab and the Union Centre.

3. Reservation in the Services : The Committee has decided by a narrow majority that there should be no reservation for Sikhs in the case of posts for which competitive examinations are held. This decision will adversely affect the Sikhs. In the Government of India Resolution of 1934 the Sikhs, along-with Anglo-Indians, Parsis and Indian Christians, have got reserved for them 8½% of the posts under the Government of India. If Anglo-Indians, Parsis and Indian Christians do not want any reservations for posts for which competitive examinations are held, the Sikhs must have their share reserved out of this 8½% split up on population proportion between the four small minorities.

In the recruitment of services by the Punjab Government, existing rules provide 20% representation for the Sikhs in all

services against their population of 13%. The East Punjab Government should be directed to frame rules on similar lines for the recruitment of Sikhs.

As for the recruitment to the Army Services, regard should be had of the past association and splendid record of the Sikh community in Defence Services.

28-7-47

Sd/- Ujjal Singh

APPENDIX 29

CONSTITUTIONAL ASSEMBLY—PATEL'S SPEECH ON REPORT ON MINORITIES

The Honourable Sardar Vallabhbhai J. Patel (Bombay : General) : Sir, when I was first appointed Chairman of the Advisory Committee on Minorities, I was really trembling and I took up the job with a heavy heart, because I felt the task was immensely difficult, owing to the history of the past so many years of foreign rule. When I took up that job, I had to undertake it at a time when conditions in the country were extremely difficult and all classes of people were full of suspicion; there was hardly any trust amongst many sections of the people. Yet I can say that the moment power was transferred, a gradual transformation began to take place and it gave me considerable encouragement. I began to sense a feeling of gradual growth of trust and mutual confidence.

Now, Sir, the first time when in the Minorities Committee we came to the decisions giving certain political safeguards by way of reservations, and when those proposals were put before the House, I had brought them with a very great degree of consent or concurrence of the minority communities. There was a difference of opinion from some progressive nationalist-minded leaders, such as Dr. Mookherjee who from the beginning opposed any kind of reservation or safeguards. I am sure he will be happy today to find that his ambition is being fulfilled.

Well, when I brought those proposals and placed them before this House, there was another group of people who had found it difficult to get out of the mire in which they had gone

very deep. Here a proposal was brought forward by one friend from Madras, for reservation and for communal electorates. Now when the separate communal electorate motion was moved, it was supported by that great Muslim leader, who swore loyalty to the Constitution in this House and immediately after packed off to Karachi. He is now carrying on the work of the Muslim League on that side. He has left a legacy here—a residuary legacy perhaps in Madras. Unfortunately, there is still a very large amount of funds belonging to the old Muslim League, which was the All-India Muslim League, which has yet to be settled, and some of our friends still claim that they might get some big chunk of those funds if they still persist in continuing the old League here. Even if the money, or a good portion of it, could be brought here, I doubt if it would do any good to those who get it. Those who claim that in this country there are two nations and that there is nothing common between the two, and “that we must have our homeland where we can breathe freely”, let them do so. I do not blame them. But those who still have that idea that they have worked for it, that they have got it and therefore they should follow the same path here, to them I respectfully appeal to go and enjoy the fruits of that freedom and to leave us in peace. There is no place here for those who claim separate representation, when it was introduced in this unfortunate country, was introduced not by the demand of those who claim to have made those demands, but as Maulana Muhammad Ali once said, it was a “command performance” that has fulfilled its task and we have all enjoyed the fruits of it. Let us now for the first time have a change of chapter in the history of this country and have a “consent performance”. I want the consent of this House and the consent of all the minorities to change the course of history. You have the privilege and the honour to do it. The future generation will record in golden letters the performance that you are doing today and I hope and trust that the step that we are taking today is the step which will change the face, the history and the character of our country.

We have the first amendment—the main amendment which was then rejected in the August Session of 1947—moved by the same group. I do not know whether there has been any

change in their attitude to bring forward such an amendment even now after all this long reflection and experience of what has happened in this country. But I know this that they have got a mandate from the Muslim League to move this amendment. I feel sorry for them. This is not a place today for acting on mandates. This is a place today to act on your conscience and to act for the good of the country. For a community to think that its interests are different from that of the country in which it lives, is a great mistake. Assuming that we agreed today to the reservation of seats, I would consider myself to be the greatest enemy of the Muslim community, because of the consequences of that step in a secular and democratic State. Assume that you have separate electorates on a communal basis. Will you ever find a place in any of the Ministries in the Province or in the Centre? You have a separate interest. Here is a Ministry or a Government based on joint responsibility, where people who do not trust us, or who do not trust the majority cannot obviously come into the Government itself. Accordingly, you will have no share in the Government. You will exclude yourselves and remain perpetually in a minority. Then, what advantage will you gain? You perhaps still think that there will be some third power who will use its influence to put the minority against the majority and compel the majority to take one or two Ministers according to the proportion of the population! It is a wrong idea. That conception in your mind which has worked for many years must be washed off altogether. Here we are a free country: here we are a sovereign State: here we are a sovereign Assembly: here we are moulding our future according to our own free will. Therefore, please forget the past: try to forget it. If it is impossible, then the best place is where your thoughts and ideas suit you. I do not want to harm the poor common masses of Muslims who have suffered much, and whatever may be your claim or credit for having a separate State and a separate homeland—God bless you for what you have got—please do not forget what the Muslims have suffered—the poor Muslims. Leave them in peace to enjoy the fruits of their hard Labour and sweat.

I remembered that the gentleman who moved the motion here last time, in August 1947, when asking for separate

electorates, I believe, said that the Muslims today were a very strong, well-knit and well-organised minority. Very good. A minority that could force the partition of the country is not a minority at all. Why do you think that you are a minority? If you are a strong, well-knit and well-organised minority, why do you want to claim safeguards, why do you want to claim privileges? It was all right when there was a third party: but that is all over. That dream is a mad dream and it should be forgotten altogether. Never think about that, do not imagine that anybody will come here to hold the scales and manipulate them continuously. All that is gone. So the future of a minority, any minority, is to trust the majority. If the majority misbehaves, it will suffer. It will be a misfortune to this country if the majority does not realise its own responsibility. If I were a member of a minority community, I would forget that I belong to a minority community. Why should not a member of any community be the Prime Minister of this country? Why should not Mr. Nagappa who today challenges the Brahmin be so? I am glad to hear that the ownership of 20 acres of land does not entitle him to be a scheduled caste man. "That is my privilege" he said "because I am born a scheduled caste man. You have first to be born in the scheduled caste." It gladdened my heart immensely that that young man had the courage to come before the House and claim the privilege of being born in the Scheduled Caste. It is not a dishonour: he has an honourable place in this country. I want every scheduled caste man to feel that he is superior to a Brahmin or rather, let us say, I want every scheduled caste man and the Brahmin to forget that he is a scheduled caste man or a Brahmin respectively and that they are all equal and the same.

Now our Friend Mr. Saadulla from Assam claimed that he was not disclosing a secret when he said that they had met in December or in February to consider the question whether reservations were in the interests of a minority or not or whether they were in the interests of the Muslims or not. Now may I ask him: Did I suggest to him to consider the question? Why did they meet to consider the question, if there was not the imperceptible influence of the elimination of foreign rule in this land? How did they begin to think that reservations may

or may not to better for them? Spontaneously the thought has been growing, it has been coming on the minds of people who previously were asking for the partition of the country. That is the first fruit of freedom. You have got a free mind to think now and therefore you begin to feel that what you have done in the past may perhaps not be right. And that fact was represented before the Minorities Committee. When Dr. Mookherjee moved his motion, it was Mr. Tajamul Husain from Bihar who stood up and moved an amendment that reservations must go. He was challenged in the Committee whether he had consulted the other members of the Muslim country, and he quoted chapter and verse from the representatives of the provinces whom he had consulted. Yet we did not want a snap vote. I said that I would advise the Advisory Committee to hold over the question and ask all members of the minority communities to consult their constituencies and find out what they really wanted. Nearly four months after that we met and unfortunately Mr. Saadulla was not present or he did not appear and so the opinions that he had gathered remained with him. He did not even communicate them to us. He said that there were only an attendance of four there of whom (I do not know whether he has consulted Maulana Azad or not) he says that Maulana Azad remained neutral. He claims to know Maulana Azad's mind more than I can do. But I can tell him that Maulana Azad is not a cipher : he has a conscience. If he felt that it was against the interests of his community he would have immediately said so and protested. But he did not do so, because he knew and felt that what was being done was right. Therefore if Mr. Saadulla interprets his silence as neutrality he is much mistaken, because Maulana Azad is a man who has stood up against the whole community all throughout his life and even in crises. He has not changed his clothes and I am sure if he has claimed or worked for partition and if he had ever believed that this is a country of two nations, after the partition he would not have remained here : because he could not stay here if he believed that his nation was separate.

But there are some people who worked for separation, who claimed all throughout their lives that two nations are different and yet claim to represent here the remaining "nation". I am surprised that Mr. Saadulla claims to represent the vast masses

of Muslims in his country now. How can he? I am amazed that he makes the claim. On the other hand, I represent the Muslim better than he ever can. He can never do that by the methods that he has followed all his life. He must change them. He says that he is not enamoured of reservations : Assam does not want it. Then who wants it? Is it the Muslims of India? Is that the way that this House is to decide this question? He says that if in this House the votes of the minority or the Muslims are against his proposal then he will accept the verdict. Well, he has seen the opinion of the Muslims in this House. Then let him change his opinion.

We are playing with very high stakes and we are changing the course of history. It is a very heavy responsibility that is on us and therefore I appeal to every one of you to think before you vote, to search your conscience and to think what is going to happen in the future of this country. The future shape of this country as a free country is different from the future that was contemplated by those who worked for partition. Therefore I would ask those who have worked for that to note that the times have changed, the circumstances have changed and the world has changed and that therefore they must change if they want salvation. Now I need not waste any time on the question of separate electorates.

Our Friend Mr. Lari has put in another amendment. He says that the Committee's approach was right. I am glad he admits that. There is no point in a committee meeting with a wrong approach. The Committee left the question to the minority. We did not take the initiative. When I first drafted the proposals for reservation of seats for the minorities I tried to take the largest majority opinion of the minorities on the Committee with me. I did not want to disturb the susceptibilities of the minorities. My attempt as representative of this House has continuously been to see that the minority feels at ease. Even if today any concession is made it is with the sole object of easing the suspicions of even the smallest group in this House, because I think that a discontented minority is a burden and a danger and that we must not do anything to injure the feelings of any minority so long as it is not unreasonable. But when Mr. Lari says that we must introduce the system of proportional representation, I must tell him that it

is not anything new. Its origin was in Ireland and it is now in vogue in Switzerland and some other countries. I may point out to Mr. Lari that Ireland is not equal to one district of the United Provinces. Gorakhpur district alone is bigger than Ireland. Ours is a vast country with masses of people. We have introduced adult franchise here where there is so much illiteracy. Therefore even this simple system of direct vote is frightening. That being so, it is not easy to introduce complications of this nature. In this Constitution to introduce such complications is very dangerous. Therefore, if he is satisfied that reservation is bad then let him not try to bring it back by the backdoor. Leave it as it is. Trust us and see what happens. A month ago at the elections to the Ahmedabad municipality I noticed that all the Muslims contested jointly under the system of joint electorates and, although they were opposed by people financed by the League, everyone of them got in and the Scheduled Castes got one more seat than their quota. Free and unfettered election has proved that any kind of impediment by way of reservation or other things is bad for us. If we leave the thing to be settled by the majority and the minority among themselves they will do so and it will bring credit to all. Why are you afraid? Yesterday you were saying, you are a big minority well organised. Why are you afraid? Make friends with others and create a change in the atmosphere. You will then get more than your quota, if you really feel for the country in the same manner as the other people. Now I do not think so far as the Muslim case is concerned, there is any other point remaining to be answered. Most of the able representatives of the Muslim community here have exposed the claims made by the other representatives. I need not therefore say more about this.

Now the other case is that of the Sikhs. I have always held the Sikh community with considerable respect, regard and admiration. I have been their friend even though sometimes they disclaimed me. On this occasion also I did advise them that if they insisted I will give it to them and induce the Committee to agree. But I do feel that this is not in their interests. It is for them to decide. I leave it to them. To ask for this concession for the Scheduled Caste Sikhs does not reflect credit on the Sikh community. They quoted Ranjit Singh who gave

such help to the Scheduled Castes. What empire did they hold, the Scheduled Castes? They have been the most down-trodden people absolute dust with the dust. What is their position today in spite of all our tall talk? A few people may be bold and courageous. But 10,000 of them in three days were converted into Christians. Go to Bidar and see? Why, is it a change of religion? No. They were afraid that for their past association with the Razakars in their crimes they will be arrested. They have committed some offences. They thought that they have the big Missions to protect them from arrest. This time conversions took place among the Scheduled Castes. But, apart from conversions, I ask you, have you ever gone and stayed for an hour in a scavenger's house? Have they any place which they can call their homelands, though Mr. Nagappa said : "India is mine?" It is very good. I am proud of it. But the poor people are oppressed continuously and have not been saved yet and given protection. We are trustees. We have given a pledge in Poona Pact. Have we fulfilled that pledge? We must confess we are guilty. And I may tell you for your information that thousands of them in other parts of the country want to come back, but are not allowed to. They cannot come back and, unfortunately, we are unable to help them. That is what the Scheduled Castes are. They are not people who keep *kirpans*. They are a different lot. But, to keep a *kirpan* or a sword and to entertain fear is inconsistent. This may react detrimentally to your cause. I do not grudge this concession to the Sikhs. I will ask the Sikhs to take control of the country and rule. They may be able to rule because they have got the capacity, they have got the resources and they have got the courage. In any field, either in agriculture, in engineering or in the army, in any walk of life you have proved your mettle. Why do you begin to think low of yourself? That is why I am asking the Scheduled Caste people also to forget that they are Scheduled Castes. Although it is difficult for them to forget it, it is not difficult for the Sikhs to do so. Therefore, when you acknowledge with gratefulness the concession that we have given, I am grateful to you. In this country we want the atmosphere of peace and harmony now, not of suspicion but of trust. We want to grow. India today is suffering from want of blood. It is completely anaemic. Unless you put blood into

its veins even if we quarrel about concessions of reservations, we will get nothing. We have to build up this country on solid foundations. As I told you, I was trembling on the day I was appointed as Chairman of this Committee but I felt proud and today also I feel proud—and I hope the House will feel proud—that we are able to bring about almost unanimity in removing the past blots in our Constitution (*hear, hear*) and to lay, with the grace of God and with the blessings of the Almighty, the foundations of a true secular democratic State, where everybody has equal chance. Let God give us the wisdom and the courage to do the right thing to all manner of people (*Cheers*).

Mr. President : I will now put the amendments one by one to the vote. First the amendment of Mr. Mohamed Ismail. The question is :

“(a) That sub-paragraph (i) of the second paragraph of the motion be deleted and sub-paragraph (ii) be re-numbered as sub-paragraph (i).

(b) That after sub-paragraph (i) so formed, the following sub-paragraphs be added :

(ii) that the principle of reservation of seats on the population basis for the Muslims and other minority communities in the Central and Provincial legislatures of the country be confirmed and retained; and

(iii) that notwithstanding any decisions already taken by this Assembly in this behalf, the provisions of Part XIV and any other allied article of the Draft with sub-clause (i) above shall be filled by the members of the respective communities elected by constituencies of votes belonging to the said respective minorities.”

The amendment was negatived.

Mr. President : I will now put to vote the amendments of Mr. Lari paragraph by paragraph. The question is :

“That in sub-paragraph (i) of the second paragraph of the Motion, after the words ‘the provisions of’ the words ‘article 67 and’ be inserted.”

The amendment was negatived.

Mr. President : The question is :

“That in sub-paragraph (i) of the second paragraph of the Motion after the words ‘in the said Reports’ the words ‘with

the addition that elections be held under the system of cumulative votes in multi-member constituencies and the modification that no seats be reserved for the Scheduled Castes' be inserted."

The amendment was negatived.

Mr. President : Then there is the amendment which was moved by Pandit Thakur Das Bhargava.

Pandit Balkrishna Sharma (United Provinces : General): I think the mover accepts the amendment.

APPENDIX 30

IN CONSTITUENT ASSEMBLY

S. HUKAM SINGH ON RESERVATION IN SERVICES

Sardar Hukam Singh (East Punjab : Sikh) : Sir, I extend my wholehearted support to the Resolution before the House. In doing so I have to make a few observations. The Resolution tries to do away with all reservations for religious minorities. It is agreed that it is the birth right of every section of the population, numerical or political minority, to have proper representation and a proper voice in the administration of the country. Nobody denies this and much less in a secular State. But the only dispute is about the method of securing such representation. We have tried one method and that is the method of separate electorates and fixed proportions. We have given it a sufficiently long trial. We might differ as to whether all the catastrophe that we have experienced was due solely to the system of separate electorates or whether certain other factors contributed to it. But this much is common ground that separate electorates did create a cleavage among the various communities. We have given it a trial and now we want to live as one Nation—a harmonious whole. For that it is desirable that we should look to some other method. One such method has been proposed by Mr. Lari—the method of having cumulative votes. That is a wholesome measure. It can give representation to minorities and various interests. There is one difficulty that I feel about it, that in a vast country like ours, where ninety per cent, of the population are illiterate,

it would not be a practical possibility to work for the present. That is the only difficulty that I feel. Otherwise I would have welcomed it. The Minorities Advisory Committee felt that reservation of seats would also promote communalism, would keep the communities separate, and therefore they have advised in their report that every reservation should go. Of course, it was a very good jump, a great jump, from separate electorates to which we were accustomed for so long a time to unadulterated joint electorates and therefore it was that the intermediate step was taken that there should be reservation. Now everyone of us feels that we should proceed towards a compact nation, *i.e.*, not divided into different compartments, and that every sign of separation should go. In my opinion there is no harm if we give a chance to this new experiment that is suggested for ten years. If we find that it works well, if the minorities feel satisfied, that they are secure, there will be no further demand for any safeguards. But if they feel that they have not been treated well, that there has been some discrimination, I am sure the minorities would raise a louder voice for some other substitute and they will have a stronger case then. Therefore I think that we should give a fair chance to this new experiment that reservation for any religious minority should go. Everyone of us feels that we should contribute fully to the development of a compact nation, and the Sikhs—I assure everybody—want to contribute as best as they can towards this goal and therefore they are giving their full support to this Resolution.

I might submit here that by agreeing to this, the minorities are placing the majority to a severe test. A heavy responsibility would be cast on the majority to see that in fact the minorities feel secure. So far as I can make out, the only safety for the minorities lies in a secular State. It pays them to be nationalists in the true sense of the term. Rather it is the minorities who can work against any dilution of nationalism. But what we require is pure nationalism and not any counterfeit of it. The majority community should not boast of their national outlook. It is a privileged position that they have got it is not their choice that they have that outlook. They should try to place themselves in the position of the minorities and try to appreciate their fears. All demands for safeguards and

even the amendments that have been tabled here are the products of those fears that the minorities have in their minds, and I must submit here that the Sikhs have certain fears as regards their language, their script and also about the services. I hope that those fears can be removed easily by the executive government. The government should see that those fears are removed and there is a chance for the culture of every community to develop. Certain matters, so says the report of the Advisory Committee, can be left to conventions. This is correct. There need not be any mention of anything in the Draft Constitution. Personally I am in favour of deleting the whole Chapter on minorities safeguards and I gave notice of an amendment to that effect long ago. Certain conventions have to grow and it will be the duty of the majority community to see that such wholesome conventions do take root to make the minorities feel secure during the transitional period.

Then, Sir, there is the second part of the resolution about the inclusion of four castes of Sikhs in the list of Scheduled Castes. The Honourable Sardar Vallabhbhai Patel has appealed to the House not to resent or to grudge this concession to the Sikhs. He was pleased further to remark—and he was very frank in saying that—“that religion was being used as a cloak for political purposes”, but in spite of it he appealed to the House that they should regard with tenderness the feelings of the Sikhs as they have suffered from various causes. The Sikh community is certainly grateful to the Sardar, to the Minorities Advisory Committee and to the House for all these concessions and for their sympathetic attitude. But I must be failing in my duty if I do not submit that I have a different viewpoint on this particular question. We were told that the Sikh religion does not acknowledge any discrimination on account of caste and that for securing certain political rights for the section, the Sikhs are sacrificing certain principles of their religion. I am afraid I think otherwise because, when we say that all safeguards for religious minorities should go, it would only be a natural corollary to that. If we give concession and certain privileges, certain rights to the Scheduled Castes simply because they are backward socially, economically and politically and not because they are a religious minority, then other classes, whatever their religion, whatever the profes-

sions of their religion, who are equally backward socially, economically and politically, must also be included in the list. So my submission is that it ought to have been done long ago that these classes also, because they are backward, were included in the list along with their other brethren of the Scheduled Castes, and should not have been considered as a concession.

Shri B. Das (Orissa : General) : Blame Sardar Ujjal Singh for it.

Sardar Hukam Singh : But in spite of it the Sikhs are not less grateful for it. If it is a concession, they are grateful for it. If they are entitled to it, then too they are grateful. They feel that one demand of theirs on which they were very serious has been met. They hope that other small things also would be considered favourably so that they could feel satisfied and could walk shoulder to shoulder with other progressive forces to the cherished goal that we have before us.

APPENDIX 31

S. BHOPINDER SINGH MAN'S SPEECH IN CONSTITUENT ASSEMBLY

CONSTITUENT ASSEMBLY OF INDIA

Friday, the 14th October 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Article 296

Mr. President : We shall now take up article 296; amendment No. 15. We have got a large number of amendments. Some of the amendments are amendments to the amendment to be moved on behalf of the Drafting Committee. Some are amendments to other amendments which are to be moved by other Members. Many of them overlap. Therefore, I think Members will themselves exercise a certain amount of discretion in not insisting upon amendments which are only overlapping and which are covered by other amendments.

Shri H.V. Kamath (C.P. & Berar : General) : We shall abide by your ruling, Sir.

Mr. President : I do not want to give any ruling if I can help it.

The Honourable Dr. B.R. Ambedkar (Bombay : General) : Sir, I move :

“That with reference to amendment No. 3163 of the List of amendments for article 296 the following article be substituted :

Claims of Scheduled Castes and Scheduled Tribes to services and posts

“296. The claims of the members of the Scheduled Castes and the scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

Sardar Bhopinder Singh Man (East Punjab : Sikh) : On a point of order, Sir ..

Mr. Naziruddin Ahmad (West Bengal : Muslim) : I had a point of order. I raised a point of order on this article. If you ask me...

Mr. President : I shall hear both of you.

Sardar Bhopinder Singh Man : I submit, Mr. President, that unless a special resolution is moved, the present House is not competent to go back upon its own decisions. This very article has already been agreed to by this House.

Mr. President : This article 296 ?

Sardar Bhopinder Singh Man : The principle underlying the main principle on which this is based has been agreed to in very clear and emphatic terms. I shall make it clear. In the report submitted by the Honourable Sardar Patel as Chairman of the Advisory Committee on Minorities, Fundamental Rights etc., presented to this House on 27th August 1947, clearly the minorities were defined on the one hand; and secondly, four points were discussed one by one distinctly, separately and quite clearly. The four points were : first, representation in the legislatures, joint *versus* separate electorate; secondly, reservation of seats for the minorities in the Cabinet; third,

reservation for the minorities in the public services; and fourth, administrative machinery to ensure the protection of minority rights.

This report was submitted to the House and was later agreed to by this House. In this appendix, as adopted by the Constituent Assembly during the August 1947 session, it was agreed in regard to representation of minorities in the Cabinet as well as recruitment to the services—it is paragraph 9—it is said that due share will be given to the minorities in the all India services and provincial services and the claims of the minorities shall be kept in view in making appointments to these services, consistently with the efficiency of administration. Not only that. They make it further clear in emphatic and clear terms. They say, appropriate provision shall be embodied in the Constitution or a schedule thereto to this effect.

Having agreed to that, actually the Drafting Committee moved a special article 299 in which the rights of all the minorities were granted. Not only that. A later report was submitted to this House by the Advisory Committee on the subject of political safeguards to minorities on May 11, 1949. In this report the earlier decisions were reiterated and confirmed and not denied. Only in so far as the first item was concerned, that is safeguards in the legislatures were concerned, they were abrogated. So far as the other rights were concerned, they were allowed to remain intact. What had been conceded or passed by this House is now being taken away. I submit Sir, that this is a substantial change and unless a special resolution is brought in this House, this House cannot go back upon its earlier decisions.

Shri R.K. Sidhva (C.P. & Berar : General) : Mr. President, Sir, I have not been able to follow the point of order raised by the honourable Friend...

Mr. President : Will you please allow Mr. Naziruddin Ahmad also to state his point ?

Mr. Naziruddin Ahmad : Mr. President, Sir, I raised this point of order some time ago when this clause was moved by Dr. Ambedkar. The point of order is this. I refer to the proceedings of this House dated 28th May last. It appears that there was a Minorities Advisory Committee which appointed a Special Sub-Committee to consider the question of the Mino-

rities. I find that the members of the Special Sub-Committee were :

The Honourable Shri Jawaharlal Nehru,

The Honourable Dr. Rajendra Prasad,

Shri K.M. Munshi, and

The Honourable Dr. B.R. Ambedkar.

This Sub-Committee reported, amongst others, that there should be reservation of seats in the Legislatures for the minorities and also that so far as all-India and provincial services were concerned, there should be no reservation but the claims of all minorities shall be kept in view in making appointments to the services consistently with the considerations of efficiency and administration.

Now this was accepted by the House in its August Session 1947. This was later on partly reopened on the strength of a letter by Honourable Sardar Patel dated 11th May 1949 to reopen, not the consideration for the minorities about the services, but only the reservations in the Legislatures. I submit that Sardar Patel sent a report that the system of reservations for the minorities, other than Scheduled Castes, in the Legislatures be abolished. This Resolution was accepted by this House on the 26th May 1949 at the instance of Sardar Patel. That is also to the same effect. It is absolutely clear on a perusal of the original report, the letter of Sardar Patel, the Resolution moved by him and the speeches in the House—that they all attempted reconsideration only of the reservations for the minorities in the Legislatures. I may add that this was done with the fullest concurrence of the Muslim members of this House. I was one of those who thought that the reservation in the Legislatures would not be good for the minorities themselves; but with regard to the consideration of their cases in making appointments, subject to efficiency, that was not reopened. On the last occasion when I mentioned this, Dr. Ambedkar and a few others thought that I had completely misunderstood the situation. Mr. T.T. Krishnamachari went so far as to say (referring to me) that “if you cannot understand this thing in two days, you will never understand even in two months”. This is the elevated style in which I was addressed. But I submit and I assert again that, whoever may be mistaken. I am not mistaken as to what was then done.

I respectfully ask you, Sir being one of the distinguished members of the Sub-Committee and being present in the House when this Resolution was accepted just to tell us whether this was one of the matters which was reopened. Sardar Patel with his genius for constitutionalism said in paragraph 8 of his letter that the Committee are fully alive to the fact that "decisions once taken should not be changed lightly." So a strong-minded man like him reopened the matter with considerable amount of caution and cogent reasoning. I therefore submit that with regard to the consideration of services and the appointment of Special Officer, they were embodied in articles 296 and 299.

Shri L. Krishnaswami Bharati (Madras : General) : Is the honourable Member raising a point of order or making a speech ?

Mr. President : He is raising a point of order and explaining it.

Mr. Naziruddin Ahmed : If it is not apparent to any Member, the point of order is this, that we have in accordance with the decisions of the Minorities Committee come to certain decisions. Those decisions were only partially modified at the instance of Sardar Patel. This modification did not in the least affect the paragraph relating to consideration in the services for the minorities. As the matter was partly reopened with so much formality, it follows that the rest remains without any amendment or change. I ask the House and specially you, Sir, to consider whether this matter can be so summarily reopened in this manner. The decision remains and I do not know how to get rid of that Resolution. That is my point of order.

Mr. President : We have to keep two things apart—the question of the point of order and the merits of the question. For the moment, I am concerned only with the point of order and the point that has been made by the two honourable Members comes to this. This House on a previous occasion took certain decisions which are sought to be reversed by the proposition which is now going to be moved. The only rule which deals with reopening of decisions is Rule No. 32 of our Rules, and that lays down that no question which has once been decided by the Assembly shall be reopened except with

the consent of at least one-fourth of the Members present and voting. So the only restriction on reopening the decision which has once been taken is that at least one-fourth of the Members present and voting should vote in favour of reopening the decision. I think I had better put that question to the House and then if one-fourth of the members present and voting are in favour of reopening, the reopening will be perfectly in order.

As regards the merits of the case I do not think I should express any opinion at this stage or at any stage. It is for the House to decide. We are concerned at the moment only with the point of order, and my ruling is if one-fourth of the Members present and voting are in favour of reopening, the question can be reopened.

Shri R.K. Sidhva : My point was articles 299 and 296 were never passed in the House.

Mr. President: He is referring to previous decisions—not to 299 and 296. There was a previous decision once taken by the House on the Report of the Advisory Committee on Minorities.

Sardar Bhopinder Singh Man : Sir, I wanted your ruling on whether the present resolution means the reversal of the old decision.

Mr. President : If the House agrees to reverse the old decision, it will be a reversal; otherwise, the old decision will stand; but for the present I am concerned only with the question of whether we can take into consideration the question of reversing the old decision.

The Honourable Shri K. Santhanam (Madras : General) : Sir, the clause of a Bill is quite different from a Resolution.

Mr. President : You need not argue the point. I would like to know from the House what its opinion is. The question is :

“Is the House in favour of reopening the question?”

Honourable Members : Yes.

The motion was adopted.

Mr. President : So there is no bar to the reopening of the whole question. Now this can be discussed on its merits. Dr. Ambedkar has moved it and there are several amendments to this proposition. I shall take them one by one. No. 16—**Sardar Hukam Singh.**

Sardar Hukam Singh (East Punjab : Sikh) : Mr. President Sir, I beg to move :

“That with reference to amendment No. 3163 of the list of amendments (Vol. II), for article 296, the following be substituted :

‘296. Subject to the provisions of the next succeeding article the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State for the time being specified in Parts I & III of the First Schedule.

Explanation—Among others Muslims, Christians, Sikhs, Anglo-Indians and Parsees shall be recognized as minority communities.”

And then there is the alternative amendment as well, but I do not propose to move it. I leave it here.

Sir, as has already been pointed out, the original draft that was put before this House was different, and radically different I would say, from the one that is being proposed now. It read like this :

“296. Subject to the provisions of the next succeeding article the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State for the time being specified in Part I of the First Schedule.”

My object is very clear. What I want is to restore the original proposal that had already been accepted by this House. I cannot understand why the Drafting Committee has thought it fit to bring about this change. So far as that article stood in its original form, it was considered as a safeguard for the minorities, and I must say that it was only a solemn affirmation of *bona fides* on behalf of the majority, and a mental satisfaction to the minority. Otherwise it had not very much value. That right was not justiciable in any court of law and it could not be enforced anywhere else as well. It had no binding force. But in spite of that, it is being taken away now. I must, at the same time, make myself clear that so far as I can think out, it was no blot on our secularism and it did not soil our nationalism as well. The minorities have always

been advised to repose full confidence in the majority. Article 296 as originally framed, in my opinion, was that complete reposal of confidence by the minorities in the majority and nothing beyond that. The only thing that the members of the minority could do at any time, in cases of violation was that the attention of the majority could be drawn to the fact, that there was some pledge or an undertaking; and that is also being removed.

Sir, before I proceed further, I must make an appeal to the honourable Members on two points here. It is very unfortunate that the Sikhs for the present cannot persuade themselves to have implicit faith in the party in power. They have reasons for that, for they think that the past is a record of repudiated promises and broken pledges. Suppose, for the sake of argument, that I am wrong, that this is incorrect, and that the present leaders can be trusted to do justice to everybody; then is there any guarantee that the present leaders will continue for all time to come? Are there not indications, even now apparent, that men with different ideals and aims might come to power very soon? This House should take a detached view and not consider the fears of the minorities as necessarily a disparagement of the present party or of its leaders.

Then my second point is that the honourable Members should place themselves in the position of the minorities and then try to appreciate those fears that they have expressed from time to time.

Sir, I might be accused of communalism when I sound this discordant note. But I hold that this nationalism is an argument for vested interests. Even the aggressiveness of the majority would pass off as nationalism, while the helplessness of the minority might be dubbed as communalism. It is very easy for the majority to preach nationalism to the minorities; but it is very difficult to act up to it. The original draft of articles 296 ad 299 was a result of the recommendations of the Minorities Committee, dated the 8th August, 1947, as accepted by the Constituent Assembly on 27/28th August of that year, and there were four definite provisions, four definite clauses for those safeguards. The first was joint electorates with reservation of seats. This was embodied in 292. Then as regards Cabinet it was provided that there would be no

reservation, but a Schedule would be provided as Instrument of Instruction, that was schedule 4; and then the claims of minorities to be kept in view in appointments to services, that was section 296; and then a Commission for minorities, that was embodied in article 299.

As for the Sikhs, Sir, I must make a special mention, because I think they are very unfortunate in this respect. When the question of safeguards for minorities was decided in 1947, the question as regards the Sikh was kept pending as it was said that the result of the partition was not known very clearly then. I may say that before that date, the "Award" had been given. The Sikhs were leaving the West Punjab under circumstances which are well known to everybody here. They had willingly suffered themselves to be vivisected and they elected to remain with India. They were marching on foot, leaving behind everything that they loved. They were not coming alone. They had saved and brought seven districts to the Indian Dominion. The full significance of leaving open the question of Sikh minority on 28th August cannot fully be understood when we look at those events. If the Sikhs were not to be treated in some special way, where was the need for postponing the consideration of that question then? If the Sikhs were to be given reservation on population basis, just as any other minority had been given, what was to be awaited after August? What numbers migrated to India was not material at all. But it was considered that might be too great a blow at that time to bear for this unfortunate community. So the question was kept pending and the Sikhs thought that they would get special consideration on account of their sufferings.

Then came the next stage for the Minorities Sub-Committee to make a report and that is dated 23rd November 1948. That time was considered opportune for telling them that nothing special could be done for them, perhaps because more than a year had elapsed since that calamity came. But even then there was one satisfaction offered to the Sikhs. Though special safeguards were denied, pious platitudes were offered instead. The Sub-Committee observed :

"It seems scarcely necessary for us to say that in dealing with this problem we are acutely aware of the tragic suffer-

rings which the Sikh community suffered both before and after the Partition of the Punjab. The holocaust in West Punjab has deprived them of many valuable lives and great material wealth. Moreover, while in this respect the Hindus suffered equally with the Sikhs, the special tragedy of the Sikhs was that they had to abandon many places particularly sacred to their religion. But while we fully understand the emotional and physical strain to which they have been subjected, we are clear in our mind that the question remitted to us for consideration must be settled on different grounds."

Then comes the third stage. The report is placed before the Minorities Committee and the resolution adopted is that the system of reservation for minorities other than Scheduled Castes in Legislatures be abolished.

I have to apologise to the members of the other minorities. They had their reservation. But, as soon as the Sikhs came in, they had to give up that as well. The Committee recommended that statutory reservation of seats should be abolished. I want to place more emphasis on that, because it is clearly the recommendation of the Sub-Committee as well as the resolution of Minorities Committee that the statutory reservation of seats in Legislature should be abolished. There is nothing beyond it. This recommendation was accepted on 26th May 1949.

Now, the position was that there was reservation in legislatures under article 292. That has gone now. Article 292 stands amended in that sense.

Then there was the Fourth Schedule of Instrument of Instructions. That has also gone, as decided by us on 11th October. But the remaining two clauses embodied in articles 296 and 299 which we have just decided to reopen, reflect the decision of the Constituent Assembly. So far as I can see there is absolutely no reasons for that change is intended to be brought about now.

The second point is that the Minorities Committee never recommended any change in these two articles. My third point is that the minorities themselves never agreed to give up these safeguards at any time. It was given out now and then

that the safeguards would only be taken back if the minorities themselves thought and were convinced that it is to their own interests. But I submit here that so far as these two articles 296 and 299 are concerned, the minorities themselves never agreed to give up these safeguards at any time. The Minorities Committee observed in their report that the Committee are fully alive to the fact that decisions once reached should not be changed lightly. Then I ask, why is this change being brought about so lightly and so casually? So my prayer is that these amendments that have now been brought forward by Dr. Ambedkar must be rejected and my amendment may be accepted and the original safeguards restored.

There is one very important factor that has gained currency during the last three or four days. It concerns the Sikhs alone. It has been given out that the Sikh representatives on the Minorities Committee gave an undertaking in writing that they would not put forward any further demands for any safeguard in the Constitution if,—that was a very big if—their backward classes the Mazhabis, Ramdasis, Kabirpanthis and Sikligars were recognised and calculated as Scheduled Castes. That may be true. In May last, as I have said, the position was that these two articles 296 and 299 had been accepted by the Constituent Assembly. The reservation was there also, but they agreed on that date that they would give it up. The Instrument of Instructions is gone. So far as I have been able to ascertain from the proceedings of the Minorities Sub-Committee, I do not find any mention anywhere that 296 and 299 were referred to or that the minorities were asked to give up this as a whole. The Minorities Committee decided to abolish reservation only in the legislature. I must point out here that there is no reservation in articles 296 and 299. The Minorities Committee did not discuss anything else. Clauses (3) and (4) of the safeguards contained in articles 296 and 299 were never discussed. They had already been passed.

Now, Sir, I appeal to you to see how the representatives of the Sikhs know that they would be altered at the last moment? If I do desire to retain those decisions, I am not asking for any further safeguards for the Sikh Community. I am only raising my voice against those safeguards being taken away from us, safeguards which had already been given. And, if anybody

is going back on the undertaking or on his word, then it is the Drafting Committee or the party in power and not the Sikhs.

Then there is another point that is also very relevant so far as this question is concerned. Supposing for the sake of argument we grant that the Sikh representatives agreed to forego every safeguard, is it to be understood that they did so because they were very keen to have their backward classes included in the Scheduled Castes? Is then their anxiety for that to be exploited and the opportunity utilised to get them to give up all other safeguards? I do not believe it. But suppose that was also true, I do realise this also that there was much opposition from the Scheduled Castes against such inclusion and Sardar Patel had to secure this to the Sikhs with great difficulty. The Sikhs are thankful to him. But what has happened to that concession secured at the sacrifice of all other demands, as is alleged? In the first places restriction was placed that this concession was confined to East Punjab only. It was not extended to the Patiala Union. How strange! Was there any justification for this discrimination on the basis of religion? If reservation was defined to religious minorities, and the Scheduled Castes were to get it for their backwardness then is there any justification to deny this concession to similar backward sections suffering from identical disabilities simply because they profess the Sikh religion? Would this be secularism? This much-coveted demand secured at such a heavy price and given so grudgingly and reservedly has become uncertain. Schedule X which was to enumerate the Scheduled Castes is deleted and article 300A empowers the President after consultation with the Governor or the Ruler to specify the castes or races to be Scheduled Castes. Sir, it will be realised that again the Sikhs shall have to strive and strive hard to persuade the Governor to advise the President to include these castes in the list of Scheduled Castes. My anxiety is that the Sikhs are left with nothing now. They have no further safeguards. What shall they offer to the Governor to advise the President to secure these safeguards? So, my submission is that even if there was any undertaking, that should be no consideration because what was secured in lieu of that has already gone.

The Sikhs are told, when they remind the Congress of their

past pledges in 1929, 1946 and again in 1947 that circumstances have changed. The Sikhs were recognised as one of the three main communities in the Cabinet Mission Plan of which this Constituent Assembly is the creature. The only changed circumstances is that the Muslims have got Pakistan. Does it stand to reason that because the Muslims have secured Pakistan, therefore the Sikhs have ceased to be a minority? Is this a logical conclusion? I will be failing in my duty if I do not point out what our feelings are. Pakistan resorted to crude and positive violence to eliminate their minorities. We are using a subtle, indirect and peaceful way of resolving the same question. True to our traditions, we are of course non-violent. I appeal to the House to go slow. I request the majority to win the confidence of the minorities by positive actions and not by mere slogans. This change in article 296 has caused consternation in the minds of the minorities affected thereby. I request that the whole draft be allowed to remain as in my amendment.

It has also been given out that our leaders consider that our original draft of 296 would disfigure the whole Constitution. Sir, I fail to understand that. If the mention of Anglo-Indians and Scheduled Castes or Schedule Tribes does not disfigure this Constitution to any extent, the mention of Sikhs surely would not further disfigure it. But if in spite of my appeals, this House is not inclined to accept any amendments for restoring the old draft, then my last appeal is for the acceptance of another amendment, which is No. 256.

“That with reference to amendment No. 23 of List II (Second Week), the following clause added to article 296 :—

- “(2) Nothing in this article or in article 10 of the Constitution shall prevent the State from making any provision for the reservation of appointments or posts in favour of any minority community which, in the opinion of the State, is not adequately represented in the services under the State’.”

The Centre may be aware of every detail of everything occurring in the States : yet some liberty shall have to be left to the man on the spot. If for the smooth working of the administration and for creating cordial relations between the different communities, the State decides on some adjustment

in the services, then there should be no bar under the Constitution. Some dignitaries think that there is no such bar at present, but my fears are that article 10 would be a bar for any option or adjustment—when it says that there shall be equality for all citizens in matters relating to employment or appointment to office under the State. I might have understood that it would not bar such an option if such clause (3) of article 10 had not specifically provided that :—

“Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State.”

My amendment No. 256 runs on the same lines as this clause (3). Why I did not move it at the time that article 10 was being considered here is that because 296 was already there was no need then, but now because 296 is going to be altered, therefore I feel that this option must be left and it should be made clear that if a State wants to make any adjustments so far as the different communities are concerned, it will be free to make that.

I have seen certain reports in the Press that the East Punjab Government have been advised by the legal advisers of the Government of India that they cannot consider the claims of any section in the services, and that has increased my fears, and I am now convinced that unless we leave some option or choice to the States, it would not be possible for them to make any adjustment even if they wanted to do. I make my appeal to the House again. I am not asking for any reservations in this Constitution. I am not disfiguring it. I claim only for an indication of the goodwill of the majority. If that is also denied, it may prove the last straw on the camel's back so far as the confidence of the minorities is concerned.

Mr. President : There are seven or eight amendments which purport to substitute their own proposals for this article. I would first take up those amendments which propose to make substitutions and then we can take up the other amendments. The next amendment which purports to substitute is No. 23 which stands in the name of Dr. Ambedkar.

APPENDIX 32

PATEL'S SPEECH IN CONSTITUENT ASSEMBLY

The Honourable Sardar Vallabhbhai J. Patel (Bombay : General) : Sir I had no intention to speak on this article, but when I heard that a definite insinuation was made in this House that because the Congress Party has a majority in this House, therefore it does not care for the promises given to the Sikhs and they are breaking the promises given them—I have to speak. I am very sorry to hear this charge from the Sikhs or a representative of the Sikhs. Sardar Hukam Singh made this point. At another place on another occasion I had made it clear to him and yet he seems to have raised the same question. Now I wish only to answer that charge for the other things I do not think I need go into discussion or say anything about it. But when it is alleged that Congress is breaking its promises given to the Sikhs, one after another, I wish to understand the position.

We are—he alleges—breaking the promises—broke the promise given in 1929, one in 1946 and another in 1947. I do not know what promises he refers to. If he refers to 1929 and then again to the Partition of India and Pakistan, I wish to point out to him that there was not a single Sikh voice against the Partition; on the other hand they are probably in the forefront in demanding partition of the Punjab. After the butchery and the bloodshed that took place in Rawalpindi and Multan, the Sikhs were terribly upset and naturally distressed and they had considerable sympathy from the Congress. At that time there were other tragedies happening in other parts of the country and then came the conflagration in Lahore, Amritsar and other parts of the Punjab. It was at that time with the concurrence of the Sikhs,—unanimously, with one voice they agreed,—we agreed to the Partition of India. Now to turn round and charge us with a breach of faith is a charge which I cannot understand and it is not right for the Sikh community—a brave community like the Sikhs—to fling these charges at us. Who were we to agree to the Partition of India and partition of the Punjab if the Sikhs were opposed? We

could never have done that. Because they also said that it was best in the interest of India that we should agree to partition on condition that the Punjab was partitioned—that we agreed to it. Now that is about 1929 promise.

Then again he says about 1946. If he refers to the Minorities Committee recommendations, I can understand it. I propose to explain it in detail as to what has taken place. But I do not know what he means by 1946 promise. If I can have any concrete expression of a promise given by Congress leaders, I might, and if so I do not think there is any one Congressman who will go against that promise. I have not however understood the psychology of the Sikh leaders—some of them—who often charge everybody with breach of faith, and always complain of minorities being ill-treated.

Look at the army. Are they not very heavily over-weighted? What have we done? We are under their protection and we trust them and not a single army officer is disloyal to us. Why do you create this feeling for nothing? What is it that you want?

When the Minorities Committee in the Advisory Committee passed its first decisions, I was appointed Chairman and I took all the minorities with me and the decisions of the Minorities Committee and the Advisory Committee were almost unanimous. This House appreciated the work of these Committees and congratulated me on that. Time went on and the minorities themselves began to feel that we should reconsider our decision and, headed by the great patriotic Christian leader, they brought in a Resolution that they want to give up the reservations. And what reservations?—Not this petty reservation of minorities in the services—but the big reservations in the Assemblies, both in the Centre and in the provinces.

They agreed to have joint electorates and to have nothing to do with this communal separatism. When they desired that, I called a meeting of the Minorities Committee and the Advisory Committee. At their instance decisions were taken. The Sikh stand has always been that “if all minorities agreed, we are also agreeable. We do not want any special arrangement. We do not want any advantage. We are able to stand

on our own legs". That was their stand throughout, in the Congress and outside the Congress.

When this resolution was brought, and this question was about to be considered, the Sikh representatives of the Punjab came to me and they said that so far as the Scheduled Caste Sikhs are concerned, they should be treated separately and given the same advantage that was being given to the Hindu Scheduled Castes. The Scheduled Castes objected to a man that these are not Scheduled Castes, and if they are Scheduled Castes, then they are not Sikhs. Therefore, they said, "you cannot give them separate treatment. There are forcible conversions being made from the Scheduled Castes to the Sikhs for this purpose". That was their grievance. On the other side, the Sikhs said that they had converted so many and it was not by force. "They have come to our fold", they said, "and if you do not recognise these concessions, then they will all go back to the Scheduled Caste Hindus and we will lose".

Now, it was against our conviction to recognise a separate Sikh caste as untouchables or Scheduled Castes, because untouchability is not recognised in the Sikh religion. A Scheduled Caste Sikh community has never been in the past recognised. But as the Sikhs began to make a grievance continuously, against the Congress and against us, I persuaded the Scheduled Caste people with great difficulty to agree to this for the sake of peace. I persuaded the other members of the Advisory Committee on the condition, which is in writing by the representatives of the Sikhs, that they will raise no other question hereafter.

Then in the Advisory Committee, when this question came, Sardar Ujjal Singh raised the question, "What about the Services" ? I said, "your representatives have given in writing that no other question hereafter is to be raised." Giani Kartar Singh was also in the Advisory Committee, and he got up and said, "Now, we will settle in the Provinces. It is not to be raised here."

What is the use of charging the Congress with having broken promises ? Do not break the promises that you have given, and do not charge others with breach of promises. If you now say, as Sardar Hukam Singh says, that these people were anxious to secure an advantage for the Scheduled Caste

Sikhs and they may have agreed to this, but it is a mistake, then if it is a mistake, reconsider your position, and I shall reconsider mine. Take away that concession and remove it, and your pound of flesh, if you want it.

What is it that you get in the Services ? Even at present, what do the Sikhs do ? What do other communities do ? So far as the Services are concerned, for all major posts or all posts which go by competitive examinations there is no reservation on communal grounds. They go to the Public Service Commission. You are quarrelling or asking for the minor posts—Chaprasis and clerks. Is it the Sikh position now that we have not got enough Sikh Chaparasis and clerks ? Are you going to raise the community in that manner ? If that is so, tell me, and if you leave what you have got for the Scheduled Castes, I shall persuade the Constituent Assembly to give you what you want, but you will repent afterwards.

You say, in PEPSU it is not the arrangement. But this is not the House to hear that complaint. If there is any such complaint, send it to us. We shall consider about it. But do not go behind your pledged words and charge other people with breach of promises or pledges. We are not the people to break pledges. Every sympathy and every consideration will be shown to the Sikh community because it is located in a particular area ; it is a small community, and yet it is brave, virile and it can stand on its own against anybody. Do not break that spirit by continuously saying, "We are injured, we are helpless, we are in a minority, we are hopeless, we cannot do anything."

That kind of psychology will injure the community itself and not others, and injuring the community means injuring the nation. It is not as a representative of the majority community that I give this advice, but as a well-wisher of the Sikh community, I advise you not to create this atmosphere by saying continually, "we are badly treated, badly treated". If you do, then it is the Sikh community that will be hurt.

When the Advisory Committee took this decision to give up reservation, we clearly understood the position and all communities clearly understood it. When the decision of the Advisory Committee came before this House for its acceptance, I made it clear that this Constitution of India, of free India, of

a secular State will not hereafter be disfigured by any provision on a communal basis. It was accepted with acclamation.

It is said that if you make any arrangements in the Provinces, then the provisions of the Constituent Assembly with regard to fundamental rights will come in the way. Let me tell you, nothing comes in the way where arrangements are made by mutual agreement, and without mental reservations. That provision in the fundamental rights is provided for an individual who is injured. But if you make domestic arrangements in the Punjab between community and community for the small posts, then who is going to question that ? But first create an atmosphere for adjustment of such things in your Province. It is the continued atmosphere of quarrel between two communities that has created distrust among them, and that creates difficulties. You will have our support and sympathy continuously in that Province because that Province has suffered most. It is injured and the wounds have not yet healed. It is for us all, and for you particularly, to help us in healing the wounds. Therefore, let us make a united effort to raise the morale of that Province, the strength of that Province, which really is at the top of India, where the border is. Then you will have no complaint at all.

After all, what is the Sikh community backward in ? Is it backward in trade ? Is it backward in industry, or commerce or in anything ? Why do you consider yourselves to be backward ? Therefore, forget that psychology. If there is any injustice done, then come to us, we will see that no injustice is done.

Sardar Hukam Singh said, "We trust the present leaders. What about the future ?" I say, you must have the courage to trust the future and not the present leaders. What will happen when the present leaders are gone ? Will Sardar Hukam Singh be living here ? Why raise this issue ? We must trust that if the present leaders go, we will have better leaders in the future. If we have trust in the future of our country, we may trust that in the future our country will produce leaders who will make a name in the history of the world. We have shown it today. We will do it in the future. That is India. India produced a Mahatma in a State where slavery was rampant. He went to a country where

people would not walk on the foot-path, where people could not travel even in the III class with safety, where we were all treated as untouchables even now we are treated as untouchables there. There he made a name and fame all over the world, and presented a new weapon to the world. Then he came here. Here he raised the Sikhs, the Muslims, the Hindus, Scheduled Castes, everybody. He gave us freedom. Do you think that we are going to raise the morale of our country or the reputation of our country of the fame of our country by breaking promises? No. We have all agreed that we must trust each other.

I know that the atmosphere so far as the Muslims are concerned is not quite as happy as it should be. But there are reasons for that. The Congress is not responsible for this. If there had been no Partition, perhaps we would have been able to settle our differences. But there was Partition. This Partition by agreement brought about subsequent events. But since Partition, whatever is being done on the other side having a reaction here for which we have to struggle day and night.

You do not know the the immense difficulties of a secular State being governed peacefully in such conditions. Now, the world is in such a condition that we cannot take any independent action of our own accord. Even though there is injustice done, we have to wait, pause, ponder and consider, because there is an Organisation known as the U.N.O., who day and night watch the situation all the world over and try to see how peace could be maintained. I do not wish to say anything about the work of the U.N.O., because I know nothing about it. But the other part of the country known as Pakistan misses no opportunity of defaming and blackmailing us all over the world, whether there is occasion for it or no occasion for it. So we have to be specially careful. They break promises and charge us with breach of faith; and yet we cannot solve it without reference to the other countries or without any regard for its reaction in other countries.

Therefore we have to be very careful. Do not add to our difficulties by creating internal difficulties in which there will be disputes between the communities. Help us and it will be to your advantage and it will be to the advantage of the whole

country. You will have no cause for regret if you drop the claims for minor provisions for small minorities in regard mainly to service questions. Fight over issues beneficial to the whole country. Let us do that. Let us prepare the ground for that. You have big interests involved in two provinces. Though the problems in Bengal are different, as in the Punjab they have also certain problems. These problems can be settled not by the Centre, but by the provinces themselves. So, for God's sake, those who are interested in the well-being of the country should create a different atmosphere and not an atmosphere of distrust and discord.

My only point in coming to reply here was to meet the charge that has been levelled against the Congress. I am sorry to hear it. Neither I nor any Congressman has done anything here in the Centre to give cause to the Sikh Community to distrust us. We shall never give cause for that in spite of what you may do. Therefore for the last time in this Constituent Assembly, as responsible members of Parliament, I appeal to you. By all means ask for what you want or what you like. But do not blame other people for your own faults. I desire now to give you this undertaking that if you still feel that the advantage that was taken from us is not worth if you throw it away and, if you think this is better, I will give it to you. You consider the matter amongst yourselves, amongst the Sikh community and decide. But do not try to have it both ways. One section first comes and gets certain advantages and gives promises to a certain section of the community and thereafter another section comes and charges us with not having given it certain other advantages which it is anxious to have. That is not the way to do things. You may unite and decide what you want. It is not our fault if you have not done so. After all, what is it that you want? You want an insignificant thing, but granting it would mean putting a blot on the Constitution. We agreed about certain things on that day and everybody was pleased with it. Therefore be satisfied with what you have done and there will be no cause for regret. (Applause).

Mr. President : Is it necessary to continue the discussion?

Honourable Members : No, no.

Shri H. V. Pataskar (Bombay : General) : I move that the question be now put.

Sardar Hukam Singh : I want to submit to you most respectfully that I do not find anywhere in the Constitution anything that we have secured at so high a price.

Shri Mahavir Tyagi (United Provinces : General) : Sir, may I appeal to you that this general discussion on this important article has not been full. It is for you to see whether you should accept the closure motion or not.

Mr. President : I see that and I am prepared to accept it.

The Honourable Dr. B. R. Ambedkar : I have nothing to add to what has already been said.

Mr. President : I will now put amendment No. 17 of Shri Guptanath Singh to vote.

Shri Guptanath Singh : I beg leave to withdraw it. The amendment was, by leave of the Assembly, withdrawn.

Mr. President : Then we come to the amendment of Mr. Kamath.

Shri H.V. Kamath : Sir, I leave it to good sense of the Drafting Committee.

Mr. President : It is a verbal amendment and it can be left to the Drafting Committee. Now I will put amendment No. 256 of Sardar Hukam Singh to vote.

APPENDIX 33

MASTER TARA SINGH'S WRITTEN STATEMENT

IN THE COURT OF SH. BENI PARSHAD
MAGISTRATE 1ST CLASS, AMRITSAR
STATE COMPLAINT

Vs.

MASTER TARA SINGH & OTHERS
..... ACCUSED

CASE U/S 188 I.P.C.

Sir,

My written statement is as follows :

We, Sikhs felt our helplessness soon after the partition of the country. The Indian National Congress was the ruling

party and it soon became clear that it was dominated by rank communalists. We made the demand for the Punjabi Speaking State, for it was a demand which could not be refused according to the past promises and principles of the Congress. The demand, if conceded, improves the position of the Sikhs on provincial basis. We thought that we need some political power on provincial basis only, where there were Hindus who wished to finish the Sikhs; and these anti-Sikhs Hindus dominated the Punjab Congress, the Punjab Press, the Punjab Legislative Assembly and all other spheres of political power. I still hold the same opinion. I have no fear of non-Punjabi Hindus. Though the attitude of the Central Government is not very helpful, but I believe this is only a temporary phase. There are some ministers of the Central Cabinet who are also communalists; but they cannot be anti-Sikhs permanently. They are duped by the Punjab Arya Samajists and some other Punjabi Hindus who are out to crush Sikhs and absorb them within Hinduism under the false hope that they can do so with the political power which they wield.

This demand for the Punjabi-Speaking State was opposed by many of the Punjabi Hindus, simply because their domination over the Sikhs ends. All other reasons and arguments advanced by these communalists are simply smoke screens. It is claimed that no division of the Punjab can be made unless the majority community agrees. What a funny reason! It is as good to say that a lamb can only be saved with the consent of the wolf. Whenever a division of the country has been made, it has been made on the demand of the minority and for the protection of the minority. What about Pakistan! Was it not created on the demand and persistence of and for the benefit of the minority? What about Ireland! Was it not divided on the insistence of the minority and for its benefits? We don't want the division of the country, for in spite of the present misunderstandings created by the Punjabi Hindus and Congressites, the heart of the non-Punjabi Hindu is quite sound. We want the division of the Punjab and the Pepsu which in fact is no division but is simply readjustment of boundaries. Opposition of the Hindus to this proposal, further proves that we (Sikhs) do need protection from people with

such aggressive communal mentality, who wish to keep us permanently enslaved.

This demand was made by the Sikhs in the year 1947. There was not a single dissentient voice amongst the Sikhs at that time. In fact, when Akali members of the Punjab Legislative Assembly insisted upon their joining the Congress in March 1948 after the murder of M. Gandhi, they were allowed to do so on the express understanding that they would come out of the Congress if they were unable to have the said demand agreed to by the Congress within six months. The counter demand for Mahan-Punjab was made some 3 years afterwards.

But the understanding arrived at with the Akali members who went to the Congress, did not work and the present struggle of the Shiromani Akali Dal with seceding Akali members ensued. The Congressites began to oppose the demand of the Punjabi State. The first conflict was over getting the control of the Gurdwaras. The Congress, the Punjab Government and the Pepsu Government helped the Congressites and they won. They could not consolidate this hold over the gurdwaras permanently. With the change of the Pepsu ministry, the control of Gurdwaras passed into the hands of the Akali party. The Pepsu Akali ministry was not allowed to function for very long. Mr. Rau was appointed adviser to the Rajparmukh. With the change, the control of the Gurdwaras also changed. The Congressite Sikhs could get and retain the Control of the Gurdwaras with the sympathy and active support of not only the Sikh ministers, but also of non-Sikh ministers of both the Punjab and Pepsu. This interference of the ministry in our religious matters made the Gurdwaras as the centre of the fight till the new Gurdwara elections. This interference of the Government in our religious matters alarmed the Sikhs. The Punjab Government went so far as to make amendments in Gurdwara Act in order to strengthen its control over the Gurdwaras or strengthen hands of Congressites in face of the opposition of the S.G.P.C. S. Partap Singh Minister stated in the open session of the Assembly that the non-Sikh members were as much entitled to vote over the Gurdwara Act amendments as the Sikh members. This was the first time of breaking the old convention established since the

passing of the Gurdwara Act, in 1925. Even the Unionist party during its regime did not interfere in the old established convention that no amendment in the Gurdwara Act could be made without the consent of the S.G.P.C. Then non-Sikh members did not interfere in any amendment of the Gurdwara Act. This change naturally alarmed the Sikhs and I at least realised that the Gurdwara administration has been thrown at mercy of the non-Sikhs who will always be in majority in the Legislative Assembly and in the voters for the Legislative Assembly. This cry of separating the Sikh Religion from Politics, is simply a smoke-screen to control our religion by the political power. This has been amply demonstrated on 4th July by those wielding political power. If our Gurdwaras can be desecrated by the Political power, they can certainly be protected with the political power alone. Let me state my conviction that the greater is the interference in our religion by the Government with its political power the greater is the need of political power to protect our religion from this satanic interference. When the Moghals persecuted the Sikhs and tried to suppress our religion, distinction between our religion and politics was hardly discernible; on the other hand when the Maharaja Ranjit Singh ruled the Punjab and there was no danger to our religion, connection between religion and politics was hardly discernible. It is for the Government to create a position in which religion may need no protection of political power, and it is for the Sikhs to decide to what extent religion and politics should be separated under circumstances prevalent at different times. The non-Sikh leaders evidently realized the fact that it was not for them to separate Sikh Religion from politics.

Pandit Nehru and other advocates in their speeches that Religion and politics should be separated but none of them ever threatened any religious community that he would take steps to force the separation with his political power. This wonderful display of irreligious arrogance (S. Partap Singh Kairon threatened to take possession of Darbar Sahib) was made by Sri Sachar for the first time in the public speech delivered soon after the recent Gurdwara Elections. Encouraged by this attitude of Sri Sachar, some Mahan Punjabists

of Ludhiana organized an attack on the procession of the Sikhs to be taken out on the 31st December, 1954 on the Birth-day of Sri Guru Gobind Singh Ji. Information of the impending organized attack was given to the District Magistrate by the Sikh representatives. He promised to take steps to avert the clash. The clash did take place and the Government appointed Mr. Vohra Commissioner of the Division to make enquiry. He submitted the report of his enquiry in which, it can safely be presumed now, he does not mention the raising of any provocative slogans as the cause of the riot. He puts the entire responsibility for the riot upon the shoulders of the Mahan Punjabists. But the Government suppressed the verdict and this court refuses to call for the report. Under these circumstances I feel justified in presuming that the Ludhiana riot was the result of Sri Bhim Sain Sachar's speech delivered a few days earlier; that the local authorities of Ludhiana failed to take steps to prevent the riot on account of some sort of interference by some responsible gentlemen of the Punjab Government and that the report does not support the Government in banning the unobjectionable, innocuous slogans like Punjabi Suba Zinda Bad, while the Government takes its sole stand upon the occurrence of Ludhiana Riot.

Let me state here quite frankly that all this trouble in Punjab is mainly due to the attitude of the Chief Minister of the Punjab who has taken into his head that he should get more control of our Gurdwaras and that he should force us with his political power to separate our religion from politics. For his first objective he has made many amendments in the Gurdwara Act ignoring the past convention and understanding that no amendments in the Act would be made without the consent of S.G.P.C. His colleague S. Partap Singh declared in the open session of the Punjab Legislative Assembly that the non-Sikh Members had as much right in participating in the Gurdwara Legislation as the Sikh members; he has further interpreted some articles of the Gurdwara Act in a way which has given greater control to the Government. Gurdwara Act gives right to the S.G.P.C. to nominate one member on every Gurdwara Committee. These nominations have been made by the outgoing S.G.P.C. of Congressmen. Just after

Gurdwara Elections a judge of the Gurdwara Judicial Commission was removed and a nominee of the outgoing S.G.P.C. was appointed in his place—thus transferring the right given in the Act to the S.G.P.C., to the opponent of the S.G.P.C. For the second objective he delivered a threatening speech at Ludhiana which encouraged the Mahan Punjabists to attack peaceful procession of the Sikhs on the Birth day of Sri Guru Gobind Singh Ji on 31st December, 1954 in Ludhiana. An enquiry was held by the Government into the incident and it can safely be presumed now that Sri Sachar did not get the support of the enquiry report to his aim—separation of Sikh religion and politics by force. Sri Sachar held back the report from the public and every effort is now being made to conceal it. What a ridiculous position the Government has taken. Its basic action of banning the innocent slogan of Punjabi Suba Zinda Bad on Ludhiana riot : and at the same time it is concealing the enquiry report of the riot. What can be more unfair ! Does not this fact alone knock out the bottom of the Government's case ! The refusal of this court to order for the production of the said enquiry report on the presumption that it will be claimed to be confidential by the Government, is still more unfair and even ridiculous. This is how this so-called Secular Government is being run and this is how some of its courts are dispensing justice to the nationals of this country. Is this the democracy over which our leaders are boasting ?

Pandit Nehru admits that so many Congressmen and Congress M.L.A.s of Punjab are communalists ; Sri Sachar has recently been saying in his public speeches that even the Congress party elections are being influenced by the communalists who vote community-wise. I say, that Congress, the legislature and every other sphere of life is being influenced by the communalists. Where is nationalism then ? The ministry, the Legislative Assembly, the people and all spheres of life are seething with communalism and yet the Government is claimed to be national. What a wonderful logic ! I am not fighting against nationalism. I am fighting against communalism parading under the garb of nationalism. I do believe that nationalism is the need of the country ; but it can come only by winning the confidence of the minorities and not by crushing them. The present attitude of the majority is to crush and

subdue the minorities. With this mentality no nationalism can come. Suppose you are successful in crushing the minorities ; will not new minorities come to the surface then ? It is this narrow mentality which is to be crushed or cured for good Government and peace of the country. But I believe Indian minorities and specially the Sikhs cannot be crushed. The wise policy will be to give protection to the minorities and the Sikhs (till present circumstances improve) in some such forms that the protection may not become an obstacle in the advent of nationalism. With this end in view, we demanded Punjabi State which is in no way opposed to nationalism. But this demand is being opposed purely on communal grounds. Demand for self protection is not communal, but demand for domination over others is communal.

I, therefore, insist upon Punjabi Speaking State. Let those who oppose it suggest a better solution. Don't ask me to trust those who have been amply tried during the last 8 years, and who hesitate to trust me. What wonderful imaginary stories have been concocted by these 'Nationalists' during the past few months. They charged us for conspiracy with Pakistan and for carrying on this morcha with the support of Pakistan. They went so far as to allege that Giani Kartar Singh was flown to Karachi from Lahore, when he went there in March last amongst thousands of Indian who went there to see hockey match. There is not an iota of truth in all these allegations. Why are such baseless stories concocted ? We shall, of course, struggle and gain our freedom by our own sacrifices and by the grace of our Great Guru, but shall never ask for support from Pakistan. Such a suicidal step can only help us in jumping from frying pan into fire.

The only basis of this suspicion, is that during recent months, both the Governments of India and Pakistan agreed to try to improve the relations between the Pakistanis and Hindustanis which got so strained at the time of division of the country. A cricket match at Lahore was arranged between the teams of the two countries, and the Indians were allowed facilities to go to Lahore. Thousands extended good hospitality to them. The Sikhs received special attention probably because reapproachment between the Pakistan and the Indians meant in practice, the removal of enmity between the Sikhs

and the Muslims. The relations between Hindus and Muslims were not strained, as those between Sikhs and Muslims, between whom closer relations existed before partition of the country. The Lahore cricket match was in fact a re-union between old friends—mostly Muslims and Sikhs. Some clever politicians may have had some other motive in view also, but how can the Sikhs be blamed when they naturally returned the hospitality given to them. This increased the suspicion of these suspicious people who do not understand the character of the Sikhs who shall be most hospitable to his enemy who comes to his house, though he may have to fight him. When the Sikhs and the Hindus went to Pakistan next time, I was specially invited by some Muslim associations of Lahore to come there and I greatly desired to see some old friends there; but I did not go simply because I know that my going to Lahore will raise a storm of suspicion. Giani Kartar Singh did go to Lahore and a funny story was concocted concerning him that he was flown to Karachi to complete a conspiracy which he hatched at Lahore. The so-called responsible men are not ashamed of carrying on this baseless propaganda. These mean people are always on the look out to increase gulf between the Sikhs and the Hindus; for that is their paying trade.

In the end, I can only appeal to the responsible leaders of our country to see through the game of our opponents and sycophants whom suspicion between the Congress and the Sikhs pays. The times are critical and if ever an opportunity present itself, the Sikhs will display their bravery and sacrifice in the defence of their motherland as usual. Don't distrust us and don't interfere in our religious matters and Gurdwaras. Each Gurdwara is used according to its own traditions and customs. Traditions and customs of different Gurdwaras are different. It is for the Panth to modify some custom and not for the Government. Preaching and threats of non-Sikhs to direct how a particular Gurdwara is to be used irritates us. Manji Sahib is being used according to its history and custom. There has not been slightest change during the Morcha days. The Government has desecrated not only Manji Sahib, but also Sri Darbar Sahib, and committed a

sin which a brave upright Government alone can wash off.
Let us wait and see.

Trust us and we shall prove trustworthy.

APPENDIX 34

SIKH REPRESENTATION TO PRESIDENT OF INDIA

To,

SHRI RAJENDRA PRASAD, SAHIB

M.A., LL.B., LL.D. Ph. D., D. S.,

President of the Union of India

NEW DELHI

A representation to the President of India, by five citizens on the subject of Sikh unrest.

May it please your Excellency,

The Sikhs have the land of the Five Rivers, the Punjab as their homeland, the land of their historical epiphany their holy places and their historical struggles, and they were the sovereign rulers of the greater Punjab till the middle of the 19th century, and they were the last Indian people to be submerged into the British Indian empire whose mighty and growing tentacles they resisted with a patriotic sentiment and determined courage such as no Asiatic people had so far imbibed or known. Betrayed by their own civil government which they had trustingly placed in the hands of dogra Hindus and sold out and stabbed in the back by their non-Sikh Army high command of our own countrymen, with whom they had willingly shared key-positions of power, the Sikh soldiers fought the enemy at Sabraon declaring, as the Muslim poet-contemporary, Shahmohamad has testified, "We shall win or die in the defence of the sovereignty and freedom of our fatherland, the Punjab, as proud, self respecting freemen should."

It was in this historical and spiritual context that, the Sikhs were almost the only people in the Punjab, who till the First

World War dreamt for the independence of their homeland, struggled and sacrificed their lives and resources for this, till in the thirties of the present century they voluntarily, and enthusiastically merged their energies, spiritual and material, to support and strengthen the general Indian national movement for freedom, and thus, till 1947 the Sikhs remained in the vanguard of this struggle.

2. It was in view of the historical importance, cultural high significance and the spiritual meaningfulness of the Sikh people, as the true inheritors of the soul of the Punjab, as the true apotheosis of emergent Hinduism, and as the only genuine bridgehead between the aryan and the semitic soul, and hence the East and the West, that at the time of Transfer of Power, the British recognised the Sikhs as the third political entity in the Indian sub-continent, besides the Hindus and the Muslims, though numerically the Sikhs in the whole of India, as well as in the Punjab, represent an insignificant numerical minority. It was in view of this position of the Sikhs that the Muslim politicians were willing to accord to the Sikh people, in the part of the Punjab where they are more numerously concentrated, an autonomous political status within the framework of a Pakistan sovereignty. It was in view of this special position of the Sikhs and in view of their spiritual affinity with the true evolutionary Hindu tradition, and above all, in view of their proved and matchless patriotism, that the Indian National Congress, on behalf of the peoples of India, gave solemn assurances and repeated formal undertakings to them, that, after the power is transferred to the peoples of India, the Hindus, who would consequently be its factual inheritors by virtue of the political doctrine of democratic franchise, would not frame any Constitution which is not freely approved of and willingly accepted by the Sikh people, and further that the political sovereign power so devolved shall not be used except for the benefit of the people of India, as a whole. It was in this background that the Sikhs unreservedly opted out for India, resisted at heavy cost the demand for partition of the country, and trusting implicitly their elder brethren, the Hindus, did not insist on prior acceptance of any pre-conditions as the price of their co-operation, bearing all the time in mind the unambiguous declaration which Pandit

Jawahar Lal Nehru, as the head of the Indian National Congress, had made in the beginning of 1947 that, he saw nothing wrong in marking out and conceding a political area in the north of India where the Sikhs might also freely "experience the glow of freedom."

3. As soon as, however, the power was transferred in August, 1947, a painful surprise awaited the Sikhs in free India, making it plain to them that political promise and understandings may be taken advantage of only by those who hold the power, and that the good old rule was as true in the new multicommunal state of free India, as it has been in the international field throughout the ages, that those who have the power may take, and they may keep who can. When, in September, 1947, the new national Governor of the Punjab, Sir Chandu Lal Trivedi, issued a secret policy circular to the administrative functionaries of the Punjab, instigating them to deal with and terrorise into humiliation, the Sikhs in the Punjab, by ignoring the procedures by law established, the Governor it was whom a grateful Government of free India recognised, by open preferment and favours, and a minor Sikh public servant who demurred in implementing this policy ruthlessly, was liquidated with such a heavy hand so as to be a warning and an example to all others. When the Sikhs publicly voiced their concern over this state of affairs, a regular and well-sustained programme of handpicking Sikh public servants for discrimination and punishments was taken in hand, and administrative techniques and judicial procedures, as a consequence thereof, have now been perfected and established that the whole public service of the country are now made aware that they have no substantial rights except those that may be conceded by the whim of the politicians and no redress except at their pleasure. Now, it is freely conceded that, throughout the country, no innocent reputation and no innocuous career of any public servant is safe, once it becomes the target of the displeasure of politicians. This point is stressed to demonstrate that measures and policies originally aimed at discriminating against an individual or a minority, almost always result in the end in serious and lasting harm to the entire civic foundations of a people and the state, and the Sikhs, although sorely grieved at the wanton destruction and

impairment of harmless careers of a considerable number of Sikh public servants in the civil and military both, during this process, which harm they have no powers to redress and must, therefore, nurse as a lasting grievance, are even more grieved at this permanent harm done to the public services of the country, as a whole, destructive of their basic sense of security and self-confidence. The Sikh public servants, who have thus been made to suffer are a matter of past sorrow to and an existing grievance of the Sikhs, but the other consequence, a mere by-product of it is a permanent and continuing harm, pregnant with serious consequences concerning the civic safety and welfare of the people of India as a whole, and this has hurt the Sikh feelings no less than their own particular grievance in the matter.

4. When the Constitution of India was framed and finalised in 1950, all solemn promises made to the Sikhs, were totally and cynically ignored and the protests of their spokesmen in the Constituent Assembly peremptorily brushed aside, and a Constitution was framed based on high sounding modern democratic postulates and platitudes, which it was well known, in actual practice, would facilitate gradual submergence and annihilation of the Sikhs as a political entity and cultural minority and also sub-stratification of other important minorities of India, for in this country fundamental cleavages at present are more those of religion and caste than those of economic interest and political affiliations, and not otherwise, as is cleverly assumed and given about. When the Sikhs announced their intention of assembling at Delhi, constitutionally to voice their case, their leader, Master Tara Singh, was arrested before he entered Delhi boundary and detained without trial, and a simultaneous smear-campaign was lashed out against the Sikh community by the late Sardar Vallabhbhai Patel, the Deputy Prime Minister of India, himself, from Cape Comorin to the northern border of Wagha, that the Sikhs were demanding a separate sovereign state of their own, from out of the Indian Punjab. When Pandit Jawahar Lal Nehru, the Prime Minister of India, was reminded of his authoritative declaration about some 'glow of freedom' to which the Sikhs were entitled, he sententiously rejoined that, "the

circumstances had now changed." Even the naive Sikhs had this much sense to know that the only change that had come about in the circumstances was that the Hindus now held the undisputed power, and the Sikhs had been rendered impotent and bereft of any power of bargaining.

5. As a result of specific administrative measures, the influx of the Sikh refugees from Pakistan areas of the Punjab was contained on the west of the meridian line passing through Sirhind and, thus, the Sikh population became concentrated in certain western districts of the Indian Punjab. This has accidentally created a Sikh majority area, in one half of the present Indian Punjab, and measures, therefore, were soon taken in hand to ensure that in this area, the Sikhs may not claim or secure such status or rights which may even indirectly nourish and sustain their cultural integrity and sense of individuality. As far back as 1920, the Indian National Congress had adopted a Constitution for future free India, in which Punjabi was recognised the mother tongue of the tract between Jamuna and Indus. The language column of this Constitution was quietly deleted in December, 1947, but in the Constitution Act of 1950, Punjabi was accepted as one of the fourteen main languages of India, without specifying its geographical area. In 1948, the Government of India had declared the Indian Punjab to be a bilingual province, and soon after, the Prime Minister of India emphatically declared in the Indian Parliament that "no matter what the merits of the case," the Government do not intend to consider the question of redemarcation, on linguistic basis, the areas, comprised in the Punjab, and thus, more than a cue was given to the Hindus of the Punjab and others who may deem it to their advantage to take the stand, to oppose by all kinds of spurious arguments and pressure-tactics the claim of the Punjabi as the mother tongue of people of Punjabi region of the present Punjab, and the formation of a unilingual Punjabi speaking state. That Punjabi is not a language at all, but a dialect; that it is the mother tongue exclusively of the Sikhs; that it should be written not in its own script but in *devnagri* also; that Punjabi speaking state means Sikhistan; that the Sikhs would separate from India and join with Pakistan if any administrative unit in which they are a majority is formed; that it is unsafe and derogatory for the Punjab

Hindus to live in such a state; that the Punjabi state may only be formed on "the dead bodies" of the Congressite Sikhs, as these worthy Sikhs love to declare; that the Government of India will not yield before this "communal" demand of the Sikhs, are some of the assertions constantly being made, and their cynicism and true purpose can be truly understood only by keeping this background in mind.

6. The basic policies discriminating against the Sikhs as a people have inevitably led to certain most undesirable psychological complexes, administrative trends and public attitudes. In day to day administration, as well as in general implementation of the laws, the rules, the dominant objective of the administration in the Punjab, has more and more crystallized into the goal of relegating the Sikhs to a position that of secondary citizens and of finding out pretexts for administering definitive psychological shocks to the community as a whole. The Sikh people lack the necessary skill as well as the means of modern propaganda and their story, therefore, mostly remains unheard and unappreciated by the general public of India, but that is not to say that, the Sikhs lack in political awareness or a proper appreciation of their own predicament. At the end of 1953, the States Reorganisation Commission was appointed and they submitted their report two years later, in which they refused to consider any positive arguments for the demarcation of a Punjabi speaking state, and instead, turned down this demand by special pleadings, firstly, because the Hindus of the Punjabi region do not want it, and secondly because even in a Punjabi-speaking State, the Punjabi Hindus are bound to continue disowning their mother-tongue. It was in acceptance of such considerations that the Government of India, in 1956, once again refused to consider the demand for a Punjabi speaking state on its intrinsic merits and instead, merged the Pepsu state, the only majority Sikh area in India, into the Punjab, reducing the Sikhs, as well as the Punjabi language to a precarious status of existence on sufferance. As if to administer further chastisement to the Sikhs, and to forestall any possible protests, the Punjab Government notified that any public demand for the creation of a Punjabi speaking state, by way of slogans, etc., was against law, and it was a reaction against this degrading measure that the

Sikhs were obliged to start their first *morcha* of its category. As a result, nearly 15,000 volunteers courted imprisonment. When the Punjab government effected forcible and aggressive entry into the sacred precincts of the Golden Temple, Amritsar, violating its sanctity through use of tear gas, and ingress of uniformed, ceremoniously impure policemen, on the wholly dishonest and unsustainable pretext that there were believed to be some offenders amongst the worshippers in the temple. The ancient sacred free kitchen of the Golden Temple was impounded and closed and the pilgrims' rest house was occupied, in the hope that this will terrorise the Sikhs into acquiescence of the civic and political status to which it is desired to relegate them, after the attainment of the freedom of the country. Since the repercussions were not those as expected, the Punjab Government had to yield, with the result that the Sikh representatives were invited to Delhi for settlement of the Sikh problem by the Government of India. It was during these parleys that Sikhs leaders found themselves confronted with the firm and resolute suspicion of the Government of India leaders that the Sikhs cannot be trusted to be so placed in the administrative set up of India, which enables them to participate, as such, effectively, in any manner, in the affairs of the country. It appeared that the basic suspicion was that the Sikhs might take advantage of their position at the border of India with West Pakistan or they might take advantage of the International Covenants of the U.N.O., pertaining to the rights of cultural and national minorities. To allay these wholly unfounded and somewhat insulting suspicions, the Sikhs accepted as alternative scheme, called The Regional Formula, the essence of which was that at the administrative and executive level, the Indian Punjab shall continue as a single unit in which the majority and the effective voice shall naturally be that of the Hindus, while at certain lower and local administrative levels the Sikhs may participate effectively in administration, in so far as the Punjabi region of the present Punjab is concerned.

7. It was against this attenuated political arrangement that the urban Hindus of the Punjab, with the Arya Samaj as their spearhead, made a violent eruption in the

form of the so called, Hindi Agitation. The ostensible purpose of this agitation was to preserve intact the dominant and royal status of the Hindi language in the whole of the Punjab, but in fact, the movement developed into a well-planned Sikh baiting and bullying. The sacred places of the Sikhs were desecrated openly and systematically, insults at their religion and self-respect were hurled recklessly and continuously and the whole administration of the Punjab and the watching eye of the Government of India did not raise a little finger or an eyebrow to curb it, or to intervene on the side of the Sikhs. Thus, the Sikhs were put on the defensive, and it was with a sense of bewilderment and humiliation that they watched, during the last three years or so, for a ray of hope from some quarters. The puerile Regional Formula, in the meantime, was deliberately, and by a set design, eviscerated and then reduced into desuetude, thus forcing the Sikhs to think deeply over their condition and to concert measures of remedy for their political amelioration.

8. As a consequence, a convention of the Sikhs as well as of non-Sikh leaders of the country, including Hindu leaders of the Hindi Region of the Punjab the Harijans and the Muslims, was held at Amritsar, presided over by Pandit Sunder Lal, Chairman, All India Peace Council, on 22nd May, 1960, at which a resolution was passed and acclaimed to the effect that a Punjabi speaking state should be demarcated forthwith, particularly, in view of the bifurcation of Gujarat and Maharashtra, so as not to leave a bilingual Punjab as the only exception in the whole country. At this convention, any design for a *morcha* was discountenanced and it was resolved that a peaceful procession of people should be taken out at Delhi on the 21st June, 1960, to acquaint the Government of India and the Indian people with the sentiments of the Sikhs, the majority of the Hindus of the Punjab as well as of other minorities of India, concerning the desirability of immediately forming the Punjabi speaking state, and this procession was to be followed by a memorandum to the Government of India in support of the demand. This is the true genesis, the background of the present situation into which the Punjab has been thrown by the drastic action of the Punjab government, whereby they have suddenly pounced upon the leaders and workers of the

Shiromani Akali Dal, on the night of 24th May, 1960, so as not to be out of step with the fascist trends and techniques that have plagued the modern world during the interregnum between the two World wars, and ever since, a reign of terror, of smear campaign and lawlessness has been let loose in the Punjab, accompanied by a total blackout of the unsavoury side of the picture, in which the initiative was taken and still remains in the hands of the Punjab government authorities.

9. Hundreds of people have been snatched from their midnight beds, taken into custody, either under the provisions of Preventive Detention Act or other security measures, on the plea that, in the opinion of the Punjab government, these people were about to act in a manner prejudicial to the peace and law and order in the state. The whole vernacular press, in sympathy with the cause of the Punjabi-speaking state, has been closed, banned and their premises occupied, with their entire staffs put behind the bars. The remaining press of the Punjab and of outside has been conditioned, misled or controlled into a more or less complete blackout of the true state of affairs prevailing in the state. A well-planned and sustained propaganda campaign, based on fictions and half-truths has been let loose through the press and other agencies of propagation of the government, against the Sikhs and their intentions, and although it has been by law banned to disseminate ideas pertaining to the formation of the Punjabi speaking state, the state Congress committees, the ministers of the Punjab government and the congress M.L.As, and the fascist Hindu leaders, have engaged themselves, through the press platform, in sustained and virulent campaign against the formation of a Punjabi speaking state. The familiar, technique of striking terror in the country side through Police, has been raised to a pitch of efficiency not reached heretofore even in the history of the Punjab. Even the killing of a policeman in Amritsar, some days ago, under obscure and intriguing circumstances, by some unknown and untraced man, has been uncritically, if not deliberately, assumed to be a crime committed by the Akalis, and it has been further assumed that the holy precincts of the Golden Temple, Amritsar are maintained as a sanctuary by the Sikhs to harbour and shield offenders of such crimes. Thus, no doubt, there is made to

exist an excellent handle for the political pressure-groups of Punjab to subject the Sikhs to an intenser reign of terror and to violate, indiscriminately and for profane objectives, the sanctity and hallowed traditions of the Golden Temple, Amritsar, as well as other holy places of the Sikhs in the Punjab. Through agents-provocateur and through other means, happenings and pieces of evidence are obtained and manufactured to provide the government authorities with a screen to take possession of the management of the Sikh holy shrines and otherwise to paralyse the Sikh cultural life, an objective which the Congress organisation, through the Congress Sikhs, only recently failed to chieve in the last Gurdwara elections. Within a week of this recent onslaught of the Punjab government on the Sikhs, almost the whole of the active element of the Shiromani Akali Dal and members of the statutorily constituted Sikh Temples Management Committee (Shiromani Gurdwara Prabandhak Committee) have been swooped upon and carried to the jails, and there seems to be no end in sight to this process. The Central Legal Defence Committee, formed of prominent Sikh lawyers, with Sardar Gurnam Singh, a retired Judge of the Punjab High Court as its Chairman, to render legal aid to the victims of this widespread, repression, has been frowned upon by the Punjab government in no uncertain terms and only a few days ago, two of its most prominent members were suddenly arrested u/s, 107/150, Cr. P.C., a provision so far applied to known thieves and pickpockets, house-breakers and cut-throats. The number of the Sikhs taken into custoday, which by now exceeds a thousand,* has been dispersed into the out of way sub-jails of the state and it has been made impossible to collect necessary particulars or information regarding them and their cases. Even the members of the Legislative Assembly have not been spared and some of them have been arrested and detained in conditions which cannot but be described as vindictive. The rumours and apprehensions are daily growing that the members of the Central Legal Defence Committee, and any other citizen, who dare to accord any sympathy or aid to the unfortunate victims of the wrath of the Punjab government, shall be dealt

*Swollen to 25,000 men and women by the first week of August, 1960.

with as heavy a hand as is now well familiar to the people of the Punjab. This situation is daily worsening and is becoming more and more grave. This is neither a credit to the highups of the Democratic Republic of India, nor is it, in any manner, conducive to the peace and safety of the country.

10. With these facts and in this background, the undersigned citizens of India approach Your Excellency, the President of the Republic of India, not only in your capacity as the executive head of the Union, but primarily in your capacity as an elder statesman of the nation, as a God-fearing and justice-loving man, and as one who has been occupying positions of prominence and trust in the national life and the freedom struggle of India. It is to your conscience as such that we venture to appeal through this representation so that you may apply a dispassionate and sympathetic mind to the true facts and implications of the situation that now prevails in the Punjab *visa-vis* the Sikhs. The Sikhs are a proud and sensitive people and they love and are devoted to their country. They passionately believe in spiritual values of life and by their traditions and their convictions they are imbued with the courage to make sacrifices for a cause in which they believe, and to endure hardships to uphold that which is dear to their hearts. To suspect such people, to endeavour and to wish to degrade and humiliate them, and by design to estrange and repress them, is a policy, the wisdom of which would appear as at once questionable to a man of your sensitivity in moral consequentialism. Upon you and upon some of your colleagues, into whose hands has fallen the immense and vast power of controlling and guiding the affairs of the Government as well as the destinies of the people of India, lies the serious and heavy responsibility of ensuring that, irrespective of the interests of the politicians, no policy is approved, no objective accepted and no measure is adopted, which is not good and true and which is detrimental to the interests of the people of India as a whole, and from a long range point of view. As we have ventured to point out earlier in respect of the public services, any policies or measures of Government which are not grounded in justice and truth, and which spring out of mere secular duplicity and utilitarian short-sighted cleverness, though they do often succeed in harming or finishing individuals and they may even succeed

in demoralising or permanently suppressing or liquidating groups of peoples, their ultimate and final results are always disastrous, not only to the doers but also to the whole body-politic, the people as a whole and the civic health and welfare of the entire nation. The wisdom of cutting one's own nose to spite another, has never been true wisdom, and we respectfully beg permission to reiterate that the policies, and measures, which the men in power have so far pursued, are such as are never likely to reflect a credit on those who have initiated and executed them, nor are they calculated to further the interests of the country or the Indian nation. By modern techniques of propaganda, camouflage and power-pressures, the Sikhs may be silenced for a while, they may be made to appear as disreputable in the eyes of their countrymen and the world, and they may be frightened into seeming submission, but this is not a solution which is either enduring or in the true interests of India and its people. Impelled by these sentiments, and in the full knowledge that Your Excellency is the symbol of the true conscience of the people of India, we have ventured, to place this representation before you in the hope that you will ponder over the facts alluded to therein, evaluate their true and ultimate significance and then use your status and good offices for securing a reorientation of the high-level policies, and redress where such is possible, so that when neither the humble representationists, nor Your Excellency and your illustrious colleagues, are here to influence the course of events and the destiny of the people of India, the action which may be taken on this representation, stands as a monument to the wisdom and true intentions of Your Excellency and your colleagues.

Your Excellency's most faithful
Representationists,

1. Sd/- Gurnam Singh, Barrister-at-Law (Retd.),
Judge, Punjab High Court and Advocate
of the Supreme Court of India.
2. Sd/- Harbans Singh Gujral, Advocate, Supreme Court
of India, and Member of the S.G.P.C., Amritsar.
3. Sd/- Dara Singh, Advocate of the Supreme Court of
India, and ex-Minister of Education, Pepsu.

4. Sd/- Narotam Singh, Advocate, of the Panjab High Court, ex-Minister of Education, Punjab Government.
5. Sd/- Kartar Singh Chawla, Advocate of the Supreme Court of India.

Dated, 7th June, 1960.

APPENDIX 35

AN OPEN LETTER TO THE PRIME MINISTER

(A Letter to the Prime Minister of India
by S. Gurnam Singh)

Bungalow No. 10-B,
Sector 10-A,
Chandigarh-C,
Dated 5th July, 1960.

Dear Shri Prime Minister,

Our Constitution makes you the elected monarch of this great country, in theory and in practice, and the historical context out of which you have risen to this unique position has made you into something more than the Prime Minister of India, indeed, you have yourself thought it necessary to remind the people of it publicly. If, therefore, I address to you this open letter, I do so, in the hope that thus I might succeed in persuading you to do certain things, and to refrain from doing certain other things, in public interest. In any manner to question your authority or integrity or to ruffle your dignity is neither my wish nor my aim.

2. I wish to address you on the question of the Sikhs in India, their peculiar problems and their present position, and the urgency of the matter, as I perceive it, makes me do so, despite the moral opprobrium that has been deliberately and assiduously fostered to attach to an expression of grievance or mention of rights relating to national minorities, and other groups in the nation, as such. This, in fact, is the first point I desire to make, that by some deliberate design or irresistible

development of events, there pervades in the political atmosphere of India, an oppressive and stifling climate of dominant group opinion and governmental trend, in which it is *verbotten* to breathe unless in harmony with the wishes and prejudices of the communal majority. This, the Sikhs resent profoundly and intensely, and to smear them as "communal", or even harbourers of treasonable intentions is certainly not the best way of relieving this tension from which they suffer, ever since 1947.

3. In pre-Independence 1947, the British Imperial authorities, in view of the historico-political position of the Sikhs in India, and in view of their unique unifying significance as a spiritual bridge between the aryan and semitic cultures, officially conceded that the Sikhs were the third political party, besides the Hindus and the Mussalmans, who were the legitimate heirs of the political sovereignty to be transferred to the peoples of India. While the Muslims demanded and got an independent sovereign state, the Sikhs accepted the assurances solemnly given by the Indian National Congress, on behalf of the other party, that no constitution of a free India shall be framed by mere brute majority and in-such-wise as does not afford to the Sikhs full opportunities for development and growth in accordance with their own genius and spiritual necessity. On this understanding, the Sikhs relinquished their bargaining power as the third party in the political life of India, so as to become an integral part of the Indian nation, the reflex of an all India state. In 1950, however, when the Constitution of India was actually framed, the assurances to the Sikhs were summarily rejected, and a common undifferentiated franchise was clamped upon them, destructive of the metalegal collective social constitution given to them by their Gurus, and all attempts at protest against this act of high-handedness, this atomisation of the Sikh people, were suppressed and dubbed as covert desire for sovereign statehood, inspired by the example and provocation of Pakistan, all commerce with which and firm offers of political autonomy within the territorial framework of which, the Sikhs had stoutly turned down, within the knowledge of all concerned, and the irony, if not also the cruelty, of this is a second source of deep resentment amongst the Sikhs. Since the Sikhs are one of the most history-conscious people of the world, this is likely to rankle in their hearts for generations

to come, while they struggle against forcible reduction to political ineffectiveness in India, implicating their eventual passing out of the main current of History.

4. In October, 1947, when the Sikhs, wounded and mangled, were trekking out of West Pakistan into India, the newly appointed national Governor of the Indian Punjab, thought it fit to issue a secret policy-directive to his officials to deal with the Sikhs as a people, as if they were habitual criminals, outside the pale of legal protections, and to bring it home to them where they stood in the free India of post-1947 era. When a certain Sikh civil servant mildly protested against this most unusual policy-directive, he was promptly pounced upon and eventually liquidated in a manner as to make an example to all future demurrants of his kind, and this Governor it was whom a grateful state loaded with honours and official preferment in the years to come, as a visible approbation of his far-sighted patriotism. It will take a great deal of regrets and redress to assuage the pain and humiliation that has thus been wantonly inflicted upon the Sikhs by those from whom they had instinctively expected nothing but justice, and more, understanding. The recent administrative policy, backed with suitable statutes, adopted by the U.P. state to evict the Sikhs from the highlands of the Terrai, after officially branding them as habitual criminals, the Sikhs take as a mere extension of the basic policy laid down in this Punjab Governor's directive of 1947. It would be unnatural and unjust, both, to expect the Sikhs, to forget about these events which have now percolated into their deep resentment-strata.

5. Then, it was through deliberate administrative measures that the refugee Sikhs were contained in the Punjab demarcated by Ghaggar river, and if, therefore, now the Sikhs constitute a slight numerical superiority in this Punjabi-speaking region over the non-Sikhs, it is not of their own making, and yet, ever since this has emerged as a fact, there has been a sustained high-level policy to deprive this region of its true position as a unilingual state of the Indian Union. The Dhar Committee set up about ten years ago to report on the desirability of carving out linguistic states in parts of India other than northern, gratuitously proclaimed that the well accepted principle of unilingual administrative states must not be

applied to the areas in the north of India, which means that there should be no Punjabi unilingual state. When the High-Power Committee, consisting of the Prime Minister and the Deputy Prime Minister, considered the Dhar report, they, instead of observing that references therein to the north of India were outside its scope, laid it down that "whatever the merits, the case of north India would not be considered". That the Punjab is a bilingual area; that every village of it is bilingual, since *ex-hypothesis*, all Hindus have Hindi as their mother-tongue and the Sikhs, the Punjabi; that to create a Punjabi state would constitute a security-risk; that since the Hindus are opposed to it the Punjabi-speaking state has no justification, are merely special pleadings in the eyes of the Sikhs that gratuitously add insult to injury, against which the Sikhs are protesting today, as they have done in the past years, by voluntarily undergoing sufferings. It is not a revolt or even defiance, for the Sikhs know as well as do the Government, that unarmed citizens cannot revolt against a modern state, the essence of which is monopoly of specialised armed strength, and they cannot successfully defy that which is immeasurably stronger. But when the choice is, protest and suffer or take it lying down and deliquesce, the Sikhs tend to choose that which their way of life and traditions require. A whole people cannot be smeared guilty merely because the entire government of their state is up against them and the press and organised public opinion of the country are lined-up behind the Government. If anything, it shows up the true political climate of the country and also the predicament of the Sikhs.

6. The metalegal religious constitution of the Sikh society, as formulated by their Gurus, requires that they shall conduct their affairs on a collective and impersonal basis with their *gurudwaras* as theo-political centres. This right the Sikhs have always insisted upon enjoying and the British rulers of the pre-1947 India had conceded and respected it. Thus the Sikhs manage their *gurudwaras*, through a democratic statutory body and conduct their other affairs, on a similar pattern. This naturally tends to sustain their collective individuality, and that it should have a bearing on political issues of the day

as well, is only natural, and is as it should be. But ever since, 1948, there have been persistent, sustained and planned efforts on the part of the Government, direct and indirect, to acquire central control of the statutory body for management of the Sikh *gurdwaras*, and when the Sikh voters, on every occasion, have indignantly repudiated this presumptuous claim of the politicians in power, a threat is held out, of either subverting this central management through governmental interference, or to cut it off by the roots altogether, through statutory repeals and enactments. Can any reasonable person blame the Sikhs if they see in this a determined desire to atomise and absorb them?

1. The claim that India is a secular state, governed by wholesome and equal laws, the Sikhs, have painfully discovered, is no cure for their ills. The laws may be the *lex aeterna*, ruling above human minds, and as such they protect all those who respect and honour them and destroy those who respect them not. But they may become merely the will and the whims of those in power, and, as such, they can be the most terrible weapons of tyranny the man has ever possessed. I beg leave to give instances to illustrate my point (1). There is a provision in the Criminal Procedure Code which empowers judicial courts to bind down an individual to keep the peace if there are good grounds for finding that he is about to disturb the same. This is being interpreted, here in the Punjab, to mean that (a) a declared peaceful intention to propagate and canvass a legitimate political point of view, is hit by this provision, directly, (b) when such a political point of view is distasteful to the politicians in power, then it has a potential tendency to cause disturbance of peace (c) the legal responsibility for this likely disturbance of the peace is of those who hold such a political point of view, making them liable for sudden and nocturnal arrests by the police (d) it further makes them liable for being arrested on the strength of blank warrants duly pre-authenticated by the magistrates, to be completed by the police after each individual arrest, and (e) such heavy and prohibitive bail bonds may be demanded of them as virtually cancel out the bail-rights guaranteed to citizens by the laws of the land.

(2) There is a provision in our Constitution which guarantees to citizens the freedom of speech and expression and the right

of peaceful assembly. But it is being interpreted to mean that, (a) a legal ban, entailing severe penalties may be imposed at the pleasure of the executive, forbidding the utterance of a slogan or viewpoint distasteful to the politicians in power, though otherwise perfectly legitimate, (b) any newspaper or section of the press may be peremptorily directed by the executive authorities not to publish or propagate specified political point of view, otherwise perfectly legitimate, and in anticipation of disobedience, such newspapers and their presses may be closed up and sealed and (c) a peaceful procession and assembly may be banned in advance, if it is to be held to further a political cause, otherwise legitimate but distasteful to the ruling politicians. These are concrete instances, and it is no consolation to the Sikhs that these special interpretations have affected only a section of the Sikhs, and no other citizens of India, that only some individual Sikhs have suffered thereby, and that in no case either the judicial apparatus of the country or the public opinion has found fault with this. For, firstly, each individual wrong represents a general tendency, and is thus the concern of every right-thinking citizen; secondly, every precedent tends to become a law universal, constituting a potential threat even to those who may be smug that only their neighbour has, in fact, come to harm so far, and thirdly, lack of judicial and public disapprobation merely reveals that a true public opinion and national conscience have yet to take form and birth in India. This is, by far, the greatest danger with which the Sikhs feel, they in particular, and the citizens of the Union of India in general, are threatened today.

8. These are matters that broadly account for the present discontents and sullenness of the Sikhs, and though he may formulate them this way or that, they do not exist merely in the mind of an arm-chair intellectual or a professional politician. They agitate the very being of the Sikhs, and their awareness of them is deep and durable. There should be no mistake about it. Neither by their dwarfing, nor pruning, nor even by their slow withering with the object of ultimate absorption, will the Sikh question be solved, and those who have advised you this-wise in the past have done no service to you or to the country. On your shoulders lie responsibilities such as not many individuals have had to bear in the history

of this country, and it is the History, therefore, which calls upon you to reconsider these matters, to ponder over them, not as a mere politician and party-boss, but as a statesman ultimately accountable before the conscience of the future mankind and the bar of History itself. There, it is not the immense powers which you have come to possess and the skill with which you hold them in your hands that will be the deciding factor, but to what ultimate end you make use of them. Your political and intellectual stature is great, as is your moral sensitivity. Let your courage and insight and sympathy be greater, so that not only the Sikhs are enabled to grow to their true and natural stature as an integral and living limb of the Indian nation but the future generations judge your greatness to be as great as your discipular contemporaneous countrymen regard it. The sands are running short, and no man is immortal; only he may do immortal deeds.

9. Believe me that, in saying what I have said, I am actuated by no other motive but that of public interest, and no other sentiment but that of profound faith in your basic integrity, love of justice, hatred of cruelty and unfairness in all forms, with deep desire for doing that what is right and redressing any wrong already done, and this faith I share with the entire Sikh mass of people who, I assure you, can be wonderful comrades in any high adventure, true unto death, once their confidence is won, and so, permit me, Mr. Prime Minister, to remain,

Yours faithfully,

(Gurnam Singh)

Barrister-at-Law,

Judge, Punjab High Court,

(Rtd.)

APPENDIX 36

S.G.P.C. MEMORANDUM TO KAMRAJ

MEMORANDUM

Presented to

SREE K. KAMRAJ NADAR

President A.I.C.C. on his visit to the Golden Temple,
Amritsar, on 10th September, 1964

Dear Sir,

On behalf of the Sikh Community, I warmly welcome you to the Golden Temple Amritsar, founded and built by the Sikh Gurus and which has ever since then been the Central seat of religious, political and cultural activities of Sikh people. This is the sacred place to which great men from all nations, faiths and countries have paid respectful homage and have carried with them impression of the beauty, peace and spirituality of the place. Now that you have taken up the burden of solving the difficult and unsolved problems of Post-Nehru era, we appreciate the grim realism with which you are handling the problems and hereby pray and invoke the blessings of the Divine Teachers to give you strength and courage to face the facts and find realistic and correct solutions of all the outstanding issues. We venture to draw your kind attention to some of the political and administrative grievances of the Sikh minority which have not been given due attention in spite of repeated assurances.

Linguistic States

While the whole country was divided into states on linguistic basis, special discrimination was shown in the case of forming the Punjabi Speaking State. Even after the merging of Pepsu (Sikh States), Punjabi Speaking Province was not formed for fear that the Sikhs might benefit a little from it. This discrimination is vehemently resented by the Sikhs and the demand for Punjabi Speaking State on linguistic basis still stands. We appeal to you in the name of fairness and justice to seriously tackle this issue to the satisfaction of all lovers of Punjabi language and culture.

Gurdwaras in Pakistan

The Sikhs suffered most by the partition of the country. Not only were they uprooted from their lands and property

worth millions but they even lost contact and control over historical shrines associated with the lives and great activities of the Gurus. Some of these historical shrines have been destroyed and desecrated particularly in East Pakistan. Unfortunately Indian Government has neither protested nor taken any steps to prevent further desecration and destruction of the temples. We appeal to you to draw the attention of our own Government to realise their responsibility and move the Pakistan Government to preserve temples.

Lack of Confidence in the Sikhs

The most outstanding grievance of the Sikhs is the continued lack of confidence shown in them by the ruling party. The Sikhs have always stood in to vanguard of freedom struggle and even during the recent Chinese aggression they were the first and foremost to shed their precious blood, but it is a pity that they are still not fully trusted and discrimination is shown against them in the question of promotion of Sikh Officers to high places and in meeting the legitimate demands of the Sikhs in their own Province, the Punjab.

All India Gurudwara Act

The Sikhs have quite a large number of Historical Gurdwaras in the various states of the country besides the Punjab. The Punjab Gurdwaras are managed under a statute Sikh Gurdwaras Act, but there is no uniform legislation on the All India basis for the administration of the Sikh Gurdwaras in the various parts of the country. State interference has been quite common during the post-independence era. I may mention here a few cases :

- (1) In Bihar, the Government recently decided to form a Government controlled trust, which would have virtually taken the administration and control of the Historic temple, out of the hands of Sikh community but we had to put a check to this nefarious move by a strong agitation.
- (2) In Paonta Sahib (Himachal Pradesh) 11 Nihang Sikhs were killed, the Holy Book was desecrated and removed and outrageous deeds were done that amount to the injury and insult to the whole Sikh community. We are happy that the imprisoned Nihangs have been

released and high power enquiry instituted. We hope that the Congress Govt. will not repeat any such high-handedness against the Sikh community in any State.

The only permanent solution to prevent the recurrence of such acts is to form an All India Gurdwara Act to control all the Historical shrines.

Exemption of Charitable Lands

The income of the Sikh Gurdwars and the property attached to them is used exclusively for charitable, educational and social and cultural purposes. Most of the land and property was donated by Mughal Emperors and the Sikh rulers. The Punjab Security Land and Tenure Act limits the holdings to 30 acres. If this act is extended to the Religious and Cultrual institutions, the Educational and Charitable institutions run by S.G.P.C. and other religious and cultural organisations will severely suffer. In the interest of public welfare it is urged that the Sikh Gurdwaras and all other Charitable institutions be exempted from the purview of this Act.

Punjabi Language

Punjabi has been recognised as one of the fourteen regional languages of India, and as such is entitled to all the privileges given to regional languages in their own States. But unfortunately Punjabi has been accorded step montherly treatment in Punjab itself. Some progress had been made of late to recognise the importance and privileged position of the Punjabi language, but only recently the new Ministry has issued a circular to undo what little has been done. This has greatly shocked and upset the Sikhs and lovers of Punjabi language. We urge you to exert your influence on the new Ministry and stop it from adopting a dangerous policy which would create ill-will and dissension in the State. We strongly resent this attitude towards Punjabi language.

We earnestly hope that you will do all you can to create a healthy atmosphere in the State.

Yours Sincerely,
(Chanan Singh 'SANT')
President,
Shiromani G.P. Committee,
Amritsar.

APPENDIX 37

REGIONAL PLAN¹

OUTLINE OF THE REGIONAL COMMITTEES IN THE PUNJAB

1. THERE will be one legislature for the whole of the recognized State of the Punjab, which will be the sole law-making body for the entire State, and there will be one Governor for the State, aided and advised by Council of Ministers responsible to the State Assembly for the entire field of administration.

2. For the more convenient transaction of the business of Government with regard to some specified matters, the State will be divided into two regions, namely, the Punjabi-speaking and the Hindi-speaking regions.

3. For each region there will be a regional committee of the State Assembly consisting of the members of the State Assembly belonging to each region including the Ministers from that region but not including the Chief Minister.

4. Legislation relating to specified matters will be referred to the Regional Committees. In respect of specified matters proposals may also be made by the Regional Committees to the State Government for Legislation or with regard to question of general policy not involving any financial commitments other than expenditure of a routine and incidental character.

5. The advice tendered by the Regional Committees will normally be accepted by the Government and the State Legislature. In case of difference of opinion, reference will be made to the Governor whose decision will be final and binding.

6. The Regional Committees will deal with the following matters :

- (i) Development and economic planning, within the framework of the general development plans and policies formulated by the State legislature ;
- (ii) Local self-Government, that is to say, the constitu-

1. ———, *Papers Relating to Hindi Agitation in Punjab* (Chandigarh Public Relations Department, Punjab, 1957), 9-10.

- tional powers of municipal corporation, improvement trusts, district boards and other local authorities for the purpose of local self-government of village administration including Panchayats;
- (iii) Public Health and Sanitation, local hospitals and dispensaries;
 - (iv) Primary and secondary education;
 - (v) Agriculture;
 - (vi) Cottage and small-scale industries;
 - (vii) Preservation, Protection and improvement of stock and prevention of animal diseases, veterinary training and practice;
 - (viii) Ponds and prevention of cattle trespass;
 - (ix) Protection of wild animals and birds;
 - (x) Fisheries;
 - (xi) Inns and inn-keepers;
 - (xii) Markets and fairs;
 - (xiii) Co-operative societies; and
 - (xiv) Charities and charitable institutions, charitable and religious endowments and religious institutions.

7. Provision will be made under the appropriate Central Statute to empower the President to constitute regional committees and to make provision in the rules of business of Government and the rules of procedure of the Legislative Assembly in order to give effect to the arrangements outlined in the preceding paragraphs. The provisions made in the rules of business and procedure for the proper functioning of regional committees will not be altered without the approval of the President.

8. The demarcation of the Hindi and Punjabi regions in proposed Punjab State will be done in consultation with the State Government and the other interests concerned.

9. The Sachar Formula will continue to operate in the area comprised in the existing Punjab State and in the area now comprised in the PEPSU State, the existing arrangements will continue until they are replaced or altered by agreement later.

10. The official language of each region will, at the district level and below, be the respective regional language.

11. The State will be bilingual recognizing both Punjabi (in Gurmukhi script) and Hindi (in Devnagari script) as the official languages of the State.

12. The Punjab Government will establish two separate departments for developing Punjabi and Hindi languages.

13. The general safeguards proposed for linguistic minorities will be applicable to the Punjab like other States.

14. In accordance with and in furtherance of its policy to promote the growth of all regional languages the Central Government will encourage the development of the Punjabi language.

APPENDIX 38

NEHRU-FATEH SINGH TALKS

First Meeting February 8, 1961

Sant Fateh Singh accompanied by S. Harbans Singh Gujral and S. Gurbax Singh were conducted by an official of the Foreign Ministry, to the room of the Secretary to the Prime Minister. While they were sitting in that room, the Prime Minister came out and received Sant Fateh Singh. Sant Ji embraced the Prime Minister, who conducted him to his own room.

Death of Feroze Gandhi condoled

Sant Ji condoled the death of Shri Feroze Gandhi and for a minute both the leaders remained silent. Sant Ji expressed his grief over this loss to the country and added that as a mark of respect to the memory of the deceased, he had stopped the Jatha of Satyagrahis on the evening of this sad death.

The Prime Minister said that he had been anxious to meet Sant Fateh Singh but he did not like to bother him earlier as he wanted him to recover fully after his fast.

Punjab being discriminated against

Sant Fateh Singh said that he was very happy to meet Prime Minister and he was sure that the problem of the Punjab

could be solved by the Prime Minister alone. He added that difference of opinion could be removed by discussions and by trying to understand each other's point of view. The peace and stability needed to be restored to Punjab, could be done through the efforts of the Prime Minister. He further added that he was not a politician but had dragged himself into this movement on account of his belief that in the formation of linguistic States, Punjab is being discriminated against.

P.M.'s tribute to Punjabis

The Prime Minister agreed with Sant Ji and said that he himself thought the same way—"Legitimate grievances of any party or people should, of course, be considered and removed by negotiations". He however, regretted that Punjab had already suffered a great deal on account of partition and the present difference of opinion was rather unfortunate. He said that the Punjabis were very hard working people and as such they had made remarkable success in so short a time. He had before his eyes both Punjabis and Bengalis who had suffered because of the partition of their States. Punjabis have recovered much more quickly from this set-back by dint of their hard labour, with the result that though Punjab was today comparatively a small State, it was better off, both economically and otherwise, than many other bigger States.

At this stage Sant Fateh Singh requested the Prime Minister that Sant Ji's colleagues may also be called in. The Prime Minister readily agreed to this suggestion and they were called in. S. Harbans Singh Gujral and S. Gurbax Singh joined the talks from this stage.

Malicious propaganda against Sikhs

Sant Fateh Singh said that in his view peace, stability and economic progress could only be achieved in the Punjab if Punjabi Suba was formed. The Sikhs feel that the Government have some suspicions about their integrity and accusations were being made by responsible Congress Ministers and others of their being in league with some foreign countries as Pakistan etc. and, therefore, their genuine and just demand of a Unilingual Punjabi Speaking State is being denied to

them. He emphatically asserted that this was all malicious propoganda by interested persons and that the Sikhs had ever been loyal to the mother country and the Sikhs also believed that the Prime Minister would be able to do justice to them. Sant Ji said that in his opinion the only way to solve this question was to separate the Hindi speaking area from the Punjabi Speaking area thus create a Unilingual Punjabi Speaking State. He said that he was as much anxious as the Prime Minister was that this question be settled peacefully and there should be no trouble about it.

Master Tara Singh's Stand

The Prime Minister replied that Master Tara Singh wanted a religious State wherein the Sikhs should be in majority. S. Gurbax Singh, at this stage, pointed out that Master ji had given a statement on 14-1-61, published in the *Tribune* of 16-1-1961 that he wanted only a Unilingual Punjabi Speaking State and not a Sikh State.

Communal Percentages Immaterial

Sant Ji further explained that he was not concerned about the population percentage of any community in the Punjabi-Speaking State. All that he wanted was the separation of Punjabi Speaking area from the Hindi Speaking area. Had the rest of India not been divided and re-adjusted on linguistic and cultural basis, this question would not have arisen at all.

Further division of Punjab will ruin its economy.

The Prime Minister replied that it was wrong that the Government was not conceding Punjabi Suba *on account of lack of faith in the Sikhs*. By their having so many Sikhs in the Army and other civil positions, lack of trust in Sikhs could not be the point. It was, however, true that there were all types of people in all communities, and some of whom were trouble makers, and that it was a pity that people were not keen from the broader all India point of view and were thinking in terms of small States when the world was progressing and going to moon and stars. He said that Punjab was already a small State and its further division would ruin its economy.

Other smaller States

Sant Ji replied that there were other States in the Indian Union which were smaller than even the proposed Punjabi Speaking State. He quoted the example of Kerala and the Nagaland States.

The Prime Minister replied that it was not true that the Government had created a new State for the Nagas. The fact was that for a long time past it was a separate area which was centrally administered and now what was being done was to transfer gradually the administration of this area to the people. He, however, added that Naga Land did not have one language. Every two or three villages had their own language and yet they were being administered as one unit.

Punjabi Suba means only more powers for existing Punjabi Region

Sardar Gurbakhsh Singh drew a parallel between the position in Punjab and the Nagaland. He said that a Punjabi region had already been demarcated and what they demanded was just this, that that region be imparted more powers. Sant Ji said, "When administration was being handed over to the Nagas who were not even homogeneous in their language and who were committing violence, how was it fair that the Punjabi Speaking area which had got a common language and culture was not being entrusted with the status of statehood".

Linguistic Divisions made against P.M.'s wishes

The Prime Minister explained that his concern was that the industrial and economic progress should not suffer. The Government had embarked on a programme of industrialisation and this could be achieved by co-operation and not by further divisions of States. *The Prime Minister said that in fact all linguistic divisions of the country so far made were done against his wishes and that he did not believe that to be good for the country.*

Sant Ji's Sporting Offer

Sant Fateh Singh replied that if 13 other States have been made on linguistic basis against the wishes of Prime Minister

let another be also formed against his wishes and when a re-doing would be decided upon, we would also happily come back with other States.

The Prime minister further said that another difficulty in the creation of Punjabi-speaking State would be that both the parts of divided Punjab will have minorities whose problem would not be easily solved and instead of having peace and co-operation, the minority question would become stiff.

Hindus won't suffer

S. Harbans Singh Gujral replied that the Prime Minister had already stated that we should not talk in terms of communal or religious minorities. *After division of Punjab into Hindi and Punjabi Speaking States, there would be no linguistic minorities in any of the two States.* Hence there would be no question of any linguistic minority although there would be two or more religious communities in these states. Further, when Sikhs could live in all other States of India even as a hopeless minority without raising any objection and when they were in the present Punjab living as a minority, what harm would be there if Hindus become a minority by one or 2% by the creation of a Unilingual Punjabi State.

The Prime Minister thereupon said that we could not shut our eyes to the fact that a large section of Hindus as a religious minority would be in the Punjabi-Speaking areas, who would not be willing to co-operate and what safeguards could be given to that minority?

Why enter into question of Religious Minorities

Sant Fateh Singh replied that the Hindus in the Punjabi Speaking State could be given all the concessions and safeguards that were being given to the minorities in other states in India. He, however, asked as to why should the Prime Minister enter into the question of percentages of religious communities when he had divided rest of India on linguistic basis without caring as to the differences in the communal percentages that have been brought about by these divisions. He impressed that *Punjab should be given the same treatment as the other states had been given.* He said, "If you ignore the question of religious minorities as you say we should,

then there would be no linguistic minority at all. However, if you want to consider from this aspect as well then at present Sikhs are 30% in Punjab and how can they be expected to live contentedly under the majority of 70% of Hindus, when the Hindus are afraid of living under a majority of just 52% of the Sikhs? What would be the position of minorities who form only one or two per cent preponderation majority of 99 to 98 per cent of Hindus.

The Prime Minister said, "However, we have to win over the Hindus as well"

Division would harm Sikhs

The Prime Minister then added that if we were prepared to give up this issue on religious basis and took it up only on linguistic basis, he was prepared to consider the matter. He pointed out that 14 languages had been included as the main Indian languages in the Constitution of India and that Punjabi was one of them. Religion did not come into it. He was surprised that Master Tara Singh did not link this problem with the language but with religion. Religion had to be chucked out. By bringing in religion the problem would entirely become a communal one. The Prime Minister was fully convinced that any further division would harm the Sikhs beyond measure. He said that in other places like Andhra, Gujrat and Maharashtra there was no question of any minority. The parties fully agreed for the division of the State but the dispute was only with regard to the cities of Madras and Bombay. The conditions in the Punjab are quite different and there was no such unanimity. There would be no peace and economic progress if the Punjab was divided.

Government thinking in terms of communal percentages

Sant Fateh Singh replied that neither he nor Master Tara Singh was trying to link religion with this problem and he had already made it clear that he wanted pure and simple—a Punjabi-Speaking State and that the question of religion, however, was being brought in by the Government itself which was thinking in terms of percentages of religious communities in the proposed state.

Sachar & Regional Formulas not implemented

Sant Fateh Singh then said that the Punjab Government had been responsible for the present agitation inasmuch as Sachar Formula and Regional formulas were not implemented honestly, for all these years. The Chairman of the Punjabi Region Committee was not given even an office. The question as to why Punjabi language was being denied equal treatment? He further said that suspicion was growing in services that ability was not the test but the fact of being a member of a particular community was the real test. The officers did such discrimination on communal basis and then it was being asserted that there was no discrimination on communal basis. Sant Ji further said that the Punjab Government had given two years time to its officers for learning Punjabi while according to the Prime Minister himself a week or two were sufficient to learn Punjabi. Sikhs feel that because of suspicion against them, decision taken was not being implemented.

Psychological & sentimental barriers against Sikhs

The Prime Minister replied that the learning of grammar and other matters did take time and hence the Government had to fix sufficient time to make it possible for every one to complete his learning. The Prime Minister further pointed out that he was firmly of the view that by the further division of Punjab the Sikhs would be the greatest losers because in other States psychological and sentimental barriers would be raised against them.

Appeal to P.M. not to raise such sentiments

Sant Ji told the Prime Minister frankly that it did not become of him to give expression to such feelings. At this stage, S. Harbans Singh Gujral and S. Gurbax Singh also emphatically said that there was no reason that while all other people of linguistic States could remain and live in any part of India why should this be assumed by the Prime Minister that if a linguistic State was pressed by the Sikhs, there would be sentimental barriers against them in the rest of India. It was not becoming of the Prime Minister to entertain such an idea, which meant that the people would

take this as an inkling into his mind. The Prime Minister thereupon pointed out that he was positive that this sentiment had already arisen, was arising and would arise.

If Sikhs can live in Kabul & Canada why not in India?

Sant Fateh Singh replied that in that case it was all the more a reason for conceding of the creation of a Punjabi-Speaking State, if it was not possible for Sikhs to make a genuine demand without running the risk of getting such a discriminatory treatment. He said, "When four crores of Muslims could live in India in spite of the creation of Pakistan, when Sikhs could live in Kabul, America, Canada and other countries, was it not strange that they would not be able to live in their own country, simply because they demand the creation of a Unilingual Punjabi-Speaking State like other linguistic States. He told the Prime Minister that as head of the State it was his duty to stop these sentiments and not to arouse them, for every community was alike for him.

Unanimity not essential

Replying to another question, the Prime Minister said that there was lack of unanimity in this State. Sant Ji said that they stood for a principle and that they had used peaceful methods for convincing him of the justness of their demand. In other States unanimity was not pressed in any other case. "My request to you would be to examine the question dispassionately and like the head of a family give your verdict whether the demand is just or not. If the demand is just help us in fulfilling it and do not suppress us. The Haryana people want a separate State and the majority of the Punjabi-speaking people also want a Punjabi State."

Punjabi State incompatible with World-State idea

The Prime Minister then pointed out that when the general tendency was even for different countries of the world to come together, he could not understand this demand for a Punjabi Suba. Punjab was basically a unilingual State although there was an area in which Hindi was also spoken. But even there, Punjabi could be understood. Sant Ji replied

that when this idea was given a practical shape in India, the Punjabi Suba will not lag behind to do so.

S. Harbans Singh Gujral and Sant Fateh Singh in reply stated that if the Prime Minister was referring to the idea of World Government he had no doubt that when India of 14 States would be willing to join the said movement, the 15th state viz. the Punjabi Suba would also go with it, and then there would be no difficulty in promoting that idea even after another unilingual State was created.

The Prime Minister said that it was not possible to cover the entire ground in the present meeting and that he would meet Sant Fateh Singh again some time later.

(This meeting lasted for 2.30 hrs.)

Second Meeting, March 1, 1961

The second meeting for Nehru-Fateh Singh talks was held in the Prime Minister's office on March 1st, 1961. Sant Fateh Singh accompanied by S. Gurbax Singh Advocate, S. Harbans Singh Gujral, Advocate, and S. Lachhman Singh Gill, arrived at the appointed time and sat in his Secretary's room when the Prime Minister came out and received the party over there. Sant Ji, as usual embraced the Prime Minister. The Prime Minister explained his difficulty for not meeting Santji earlier because he had been busy due to the session of the Parliament and the serious illness of Pandit Pant.

Sant Fateh Singh sympathised with the Prime Minister and expressed grave concern about the health of the Home Minister.

Impediments in the way of negotiations

Santji expressed himself by saying that he was most anxious that the present question of Punjab should be settled amicably and as early as possible. He said that he had been advising the Akalis to remain calm to make fair solution possible. While he was doing everything to maintain the goodwill created by the Prime Minister in opening the talks (which was very essential in the interest of all concerned) the Punjab Chief Minister, and other high-ups in the Congress Government were trying to create differences between the parties. In

this connection the recent statement of Sardar Partap Singh Kairon, published in the press, to the effect that in no circumstances would the demand of Unilingual Punjabi State be conceded was referred to. S. Harbans Singh Gujral then read out to the Prime Minister the press report about the said statement from a daily paper. Reference was also made to the statement of Sh. Morarji Desai, Finance Minister to the effect that the Sikhs did not want a linguistic State but a Panthic State which would not be conceded. Another reference was made to the reply given in the Parliament to a question by Mrs. Alva, on behalf of the Prime Minister that the Prime Minister did not see reason to change his views regarding the division of the Punjab. Santji said that when the Prime Minister was busy in holding talks on the subject he should not allow his Ministers in this way, to make public statements, which showed that nothing would come out of the talks and that the parties did not mean any business.

P.M.'s regret

The Prime Minister in his reply agreeing with Santji said that those statements were unfortunate but he could not be held responsible for the same. Explaining the reply given on his behalf, in Parliament, the Prime Minister said that his views about the division of Punjab were already known and it was true that, so far, he had not changed his views. The questions put in the Parliament had to be answered and this question had been correctly answered.

Difficulties could be surmounted

Resuming the subject of Punjabi Suba, Sant Fatch Singh said that the Prime Minister had expressed certain difficulties in the way of the formation of Punjabi Suba in his recent speeches as well as in the last meeting. All those difficulties, he added, have been studied and they had come to the conclusion that those could be surmounted. The reasons for each objection and difficulty should be examined on its merits. As assumed by the Prime Minister in his speeches an attempt should be made to convince, or be convinced through reason.

Why different treatment for Punjab & Sikhs?

Sant Ji added that before they began to discuss the merits of each objection, the first thing to consider was if there was any reason to give different treatment to the Punjab and Sikhs from the one given to other people. S. Gurbax Singh at this stage said that the objection of the proposed State being small or being at the border was not material inasmuch as according to experts border States should be smaller. He referred to the controversy that had occurred between Lord Kitchner and Lord Curzon over the small size of NWFP and that the view that the Border State should be rather smaller, prevailed. It was further pointed out that the area of the Kerala State was less than the proposed Punjabi Speaking State. Prime Minister was reminded of his own speeches in the Kalyani Congress session and also in the Parliament, wherein he had said that he was in favour of smaller Provinces and at one time he had suggested that his own State, U.P., should be divided into four Provinces.

When P.M. advocated reorganisation of N.I. States

His attention was also drawn by S. Gurbax Singh to page 10 of the J.V.P. report by the Prime Minister which said that ultimately a time might come when it would become necessary to reorganise Northern Provinces also, and that it did not necessarily mean that the demand for the adjustment of the linguistic boundaries were unjustified or without merit. Reference was then made to the report of Dar Commission stating that if linguistic division was agreed to, the Sikhs and Jats would also demand the readjustment of the boundaries of their States and these would become live issues. This, according to Sant Fateh Singh party showed that Sikhs were suspected ever since that time and refusal to concede the demand was based on discrimination.

Those were old matters—says P.M.

Pandit Ji, however, replied that such reports and speeches could not be quoted and read as statutes. He added, he might have spent hardly 10 minutes in scanning through those reports which were prepared by his colleagues and signed by him. Those, he said, were old matters.

S. Gurbax Singh remarked that the public in general, however, accepted such matters as pucca commitments of the Prime Minister.

Haryana also seeks separation

Next question that was taken up was public opinion. Sant Fateh Singh stated that there was strong public opinion in favour of Punjabi Suba. The Haryana people through their leaders and M.L.A.s had given their memorandum to the S.R.C. for the creation of Haryana Prant by separating it from rest of Punjab. There was no voice at all, raised against it by any section of Haryana before the S.R.C. The Sikhs in the recent Gurdwara elections have demonstrated their will (with a vast majority) in favour of a Punjabi Speaking State. Out of the Hindus of Punjabi region a good section, though not very vocal, was also in favour of this demand. Even the recent statement of Prof. Sher Singh and a resolution adopted at a conference in Haryana that they would resist the Prime Minister's effort to impose Punjabi language on them, were referred to, in support of the argument that difficulties multiplied in keeping the States as bilingual rather than in making them unilingual.

P.M. apprehends Hindus would create difficulty in running of new State

The Prime Minister in reply said that the Hindus in Punjabi Suba would become a minority and as they were not agreeable to this demand they would create constant opposition and difficulties in running of the new state. Hence the minority problem would be aggravated. Sant Ji replied that the Prime Minister had himself said that we should not talk in terms of communal minorities but talk only in the terms of linguistic minorities. From this point of view, after the formation of the new State there would be no linguistic minority in the Punjabi Suba because all Punjabi speaking people would be there in one state. Further even as a religious minority Hindus over there would be almost equal in number with the Sikhs and even if they were in minority by 2 or 3 per cent, that could not be objectionable for such a narrow majority could not dominate over others. In the present set-up the 30% minority

of Sikhs has put up with 70% majority of Hindus; and that heavens would not fall if in the new set-up Hindus come to be in minority by 2 or 3 per cent.

Heavy burdens

The Prime Minister thereupon stated that under the present day conditions his Government had very heavy burdens; there was border dispute with China, Pakistan had made unfriendly and threatening speeches. There had been mob violence on our embassy in Karachi and outbursts of communalism in Jabbalpur and Sagar. All these matters were disturbing his mind very much. He wanted that the energy of his people should not be wasted on these petty quarrels and should be devoted to make the country strong, by pulling in that direction. The third Five Year Plan, recently published, for its success required hard work by our people.

Punjabi Suba would be economically sounder than present Punjab

Sant Fateh Singh and his party then referred to the objection which the Prime Minister had raised in the previous meeting that the proposed State would be economically weak and backward. Santji said that culturally and linguistically Haryana was different from Punjab. They had different customs and the way of life in Haryana was also different. There was no reason why those people must be kept tagged to Punjab. Haryana remained throughout economically a deficit area and finances of remaining Punjab were drained out in Haryana and yet it was said that when Haryana would be separated, the remaining Punjab would become financially or economically weak. At this stage S. Harbans Singh Gujral, referring to some books published by the Government, stated that East Punjab was deficit in food grains by 35,000 tons in 1947-48. In 1958-59 Punjab was surplus by 12,000 tons in wheat. He also gave his figures about Punjab being surplus in cotton.

Other figures were quoted by him to show that more money was being spent in Haryana for development than in the remaining Punjab, although the population of Haryana was about 42%. It was argued that if that area was separated

from the proposed Unilingual Punjabi State, it would make the new State economically much sounder.

Haryana like a weaker brother

The Prime Minister replied that from what had been stated it appeared that there was no desire on the part of Punjabi region to help the so-called Hindi region. This was a wrong approach. The fact that the British did not pay more attention to Haryana in the past and so it remained backward was no good reason to withhold attention therefrom. If a brother was poor, he was not to be thrown out of the home. It was thus unfair to suggest that Haryana should be separated from rest of Punjab because it was a poor area. This type of propaganda was harmful and showed disunity among people.

In reply Santji suggested that help to a weaker brother should come from all quarters and not from the Punjabi speaking region alone. Santji again requested that Punjab should be given equal treatment with other linguistic States in India. He added that there was no reason that while the entire country was readjusted on linguistic basis, the only exception was being made in the case of Punjab.

Creation of Andhra & Maharashtra

The Prime Minister in reply said that so far as Andhra was concerned, it was declared by the Congress as long ago as 1921, that a State of Andhra should be formed on linguistic basis. The dispute, however, was, with regard to Madras city and when a unanimous decision was taken on this question, the Government agreed to form the State of Andhra Pradesh. So was the case in Bombay. As the dispute was only with regard to Bombay city, the States of Gujarat and Maharashtra were conceded as soon as this problem was settled. In Punjab, however, the dispute did not relate to any particular city and thus the problem was different.

It was explained by S. Gurbux Singh that the position in Punjab was also similar as the Haryana people agreed to it and so did the Sikhs and others. It was only a section of urban Hindu of the Punjabi region with its vested interest, that did not agree.

Same governing principle

S. Harbans Singh Gujral stated that no two cases are exactly the same but the governing principle can apply to two cases which might have some distinction in details. He said that the principle of linguistic division of India had been accepted by the Congress and the applicability of that principle to different cases was not made conditional in any way. Further there was no unanimity in Bombay and it was only after bloodshed, that the Government conceded the demand.

No linguistic principle

The Prime Minister asked as to where was and what was that linguistic principle. He said that there was no such thing. There were many other considerations besides the linguistic and cultural questions, which are essential for the creation of a separate State.

Harassment abroad

The Prime Minister continued that the approach of the Akalis in the launching of a campaign for the creation of Punjabi Suba was wrong and doing harm to the country. He said that Master Tara Singh for whom, although, he had great regard and affection, was making frequent statements which, to say the least, were highly irresponsible. Those statements had created many difficulties for the Government and very bad impression outside India. Sant Ji replied that Master Ji was good at heart and a great patriot and that he should not be misunderstood.

Malicious propaganda against Master Ji

S. Harbans Singh Gujral, at this stage pointed out that the Punjab Chief Minister and Punjab Congress President had made very serious allegations against Master Tara Singh publically and said that he had been in conspiracy with Pakistan and had agreed with President Ayub to have Akalis trained in Guerilla warfare in Pakistan, to create trouble in India. He further pointed out that on 9.10.1960 the Chief Minister had in a speech at Ludhiana stated that the Akalis had entered into a conspiracy with Pakistan to establish a separate Sikh State. This was a completely wrong and

malicious statement which had caused great resentment amongst the Sikhs in general.

Letter to Jinnah mistaken allegation against Master Tara Singh

The Prime Minister in reply said that those statements may be sent on to him and that he would look into the matter. Continuing he said that had Sir Stafford Cripps been alive today, he would have told us all what our friends had been doing before the partition of the country. He said that he had in his possession a letter written by Master Tara Singh to Mr. Jinnah which shows what he had been doing. That clearly proved that he negotiated originally both with the British and the leaders of the Muslims regarding the creation of a Sikh State. S. Harbans Singh Gujral at once stated that whatever else may be the case, he could not believe that the alleged letter could be written by Master Tara Singh in view of what he knew as to what Master Tara Singh had done at that time. Sardar Gurbax Singh then said that he himself had been participating in those matters at the relevant time and that he could tell from his personal knowledge that Master Tara Singh had turned down various offers from Muslim League for a Sikh State etc. with the request that Sikhs should give up their opposition to Pakistan.

Position cleared

Pandit Ji replied that he was prepared to believe all that and added that the letter referred to by him (P.M.), was not of Master Tara Singh himself, but that of one of his colleagues. S. Gurbax Singh replied that that colleague could be none other than the person who was now a very much trusted member of the Congress Government.

Pandit Ji then said that Master Tara Singh was a good-hearted person but he was in the habit of making statements which could be interpreted in different ways.

Enquiry against allegations

Sant Fateh Singh pointed out that Master Ji was very much upset, because of the false allegations made by Punjab Chief Minister and Punjab Congress President against him and for which he had asked the Prime Minister for enquiry. The

Prime Minister replied that he was informed by those gentlemen to the contrary though their explanations were different, yet on the receipt of those statements from them, he would again look into the matter.

Master Ji accused of thinking on communal lines

Referring to the accusations that Master Tara Singh did not want a linguistic but a Panthic State, the Prime Minister said that Master Ji had met him at Bhavnagar and himself had stated there that he wanted the State for the protection of his Panth and that the language was only the secondary issue. This clearly indicated that Master Ji's mind was working on communal lines.

S. Harbans Singh Gujral intervening said that he was present in the Bhavnagar meeting and that Master Tara Singh Ji had said clearly that because of the opposition to this linguistic demand being made unreasonably on communal lines, he felt that it was an attack on his Dharam and that to defend it was his Dharam. Hence the demand was not on communal basis but the opposition thereto was communal.

The Prime Minister said that any division of Punjab would be harmful to both Punjab and India. Punjabis were hard working people and that they had by their hard work made their State prosperous.

Cannot hand over power to enemies —P.M.

On a reference having arisen once again as to the conduct of Master Tara Singh, the Prime Minister said as to how could he be expected to hand over power to an irresponsible man like Master Tara Singh. He added, as to how could he hand over power to enemies.*

Memorandum presented

Sant Fateh Singh said to the Prime Minister, that he had not been able to appreciate how the Punjabi Suba demand would be harmful to India or to Punjab, and that he was prepared to discuss the matter further, in the light of the

* As this portion has subsequently been denied by the Prime Minister, both Master Tara Singh and Sant Fateh Singh have agreed to close it up.

objections that had been raised by the Prime Minister for which he had brought a complete reply in the form of a Memorandum. At this stage S. Harbans Singh Gujral handed over a Memorandum to Sant Fateh Singh for his signatures and submission to the Prime Minister. Santji after signing the Memorandum, handed it over to the Prime Minister who passed that on to his Secretary saying that he would study that and would discuss the matter in the next meeting. Sant Ji also drew the attention of the Prime Minister to the Punjab Government's attitude towards the Akali campaign saying that quite a large number of cases were still pending against the Satyagrahis and that they were being harassed in various other ways. He specifically referred to the cases pending against Kanwarani Jagdish Kaur, MLA and recently started cases against Hazara Singh Gill. The Prime Minister assured that if lists were supplied to him, he would enquire about those facts from the Punjab Government. On enquiry by Sant Ji as to when would the next meeting be possible, the Prime Minister said that as he was going to England at the end of the week to attend the Commonwealth Prime Ministers Conference and that he would communicate the date for the next meeting on return, and inform as to when these talks would be resumed.

Sant Ji and his party got up and left the room. The Prime Minister came out up to the lift to see off the party.

(This meeting lasted for 105 minutes)

Third Meeting, May 12, 1961

Early decision to remove restlessness

The 3rd meeting for Nehru-Fateh Singh talks was held on 12-5-1961 at 6 P.M. at the residence of the Prime Minister. Sant Fateh Singh accompanied by S. Gurbax Singh Advocate and S. Harbans Singh Gujral arrived at the residence of the Prime Minister at 6 P.M. They were received outside the house, by a lady and some other persons cordially, and were conducted to the drawing room. The Prime Minister came out from a side-room and greeted Sant Fateh Singh. Thereafter he took him to his own room, where the talks started,

After exchange of greetings, Sant Fateh Singh said that sufficient time had passed since the last meeting. The Prime Minister replied that on account of his heavy engagements, Parliament session, and Pandit Pant's death, this meeting could not be held earlier. Sant Ji said that that was an additional burden on the Prime Minister and that the matter under discussion might be solved by him at an early date so that the restlessness in the people might be removed. The people of Punjab, added Sant Ji, were anxiously awaiting the decision of the result of these talks in regard to their demand for the creating of a unilingual Punjabi Speaking State.

P.M. says : leave the question of Punjabi Suba

The Prime Minister replied saying, "Sant Ji, there are three matters : (i) The question of forming Punjabi Suba; (ii) The matter relating to Punjabi language; and (iii) the grievances about services. You should leave the question of Punjabi Suba and talk on other matters." Sant Ji replied as to what was that other matter after all. (At this stage Sant Ji asked that his colleagues, sitting outside, might be called in. The Prime Minister replied, "As you please" Sant Ji added if the P.M. did not want them to come in, they need not be called. The P.M. replied that as they had come with him, "let them be called." Consequently, S. Harbans Singh Gujral and S. Gurbax Singh were called in and they joined the talks at this stage).

Pending cases and harassment

Sant Fateh Singh said that for the creation of goodwill he had done his best but what was the meaning of the said goodwill when his brethren, children and his very limbs were still rotting in jail. The Prime Minister replied that first a principle was made and then action was taken in accordance therewith and that they had made a principle that people charged with violence would not be released. S. Harbans Singh Gujral replied that in communist and other agitations even the persons accused of violence were released after the agitation came to an end. Thus why was discrimination being made in the case of Akalis ? The Prime Minister said that after the agitation, 264 persons who were accused of violence have been

released and that only 120 persons remained out of which 37 were in jail and 33 bailed out. Even their cases would be separately examined and if possible all would be released. Regarding the complaints of confiscation of political pensions and business licenses etc. the Prime Minister said that these would be restored and the Punjab Government had issued instructions in that behalf to the lower authorities. At this stage the Prime Minister read a letter from the Chief Minister of Punjab dealing with the subject which said that instructions had been issued to the District authorities to restore licenses and memberships etc., provided these persons concerned were not indulging in the agitational activities even then. S. Harbans Singh Gujral at this stage protested that that was the snag in the Punjab Government's action.

Blank warrants

He failed to understand as to what was the significance of this condition when the agitation had been called off, except that it gave a hint that on that pretext the authorities might not restore their licenses etc. He further pointed out that the business licenses such as brick kiln, cement etc. had not been restored. The Prime Minister, however, added that if there were any particular cases, those might be referred to him and he would get those cases enquired into. The list might be sent to him. S. Harbans Singh Gujral complained about the complete negation of civil liberties in Punjab and handed over a photostat copy of a blank warrant signed by the Magistrate without containing the name of any person. He added that thousands of such warrants were given in the hands of petty Police Officials who could arrest any respectable person without intervention of the Court. The P.M. handed over that copy to his Secretary without giving any reply.

Pending cases

S. Gurbax Singh then mentioned about the cases still continuing against S. Gian Singh Vohra and he added that like him many other respectable persons were being harassed. The Prime Minister replied that there were 222 cases against him out of which many were of violence. In reply, it was pointed out to him that those cases were against Rachhpal

Singh and there were only 6 cases against S. Gian Singh u/s 188/109 I.P.C. The Prime Minister corrected himself and said that they were right. He had in mind cases against Rachhpal Singh. (Some further discussion on this subject was held between Sant Ji and the Prime Minister).

When P.M. favoured semi-autonomous Sikh State

Sant Ji then said that they should now talk about the question of Punjabi Suba and added that there was a time when the Prime Minister had expressed himself by saying that he was in favour of semi-autonomous Provinces and that if Sikhs liked let them work for such a semi-autonomous State so that they might also feel the glow of freedom. The Sikhs however did not want even a state of that kind but one like other States. They wanted a linguistic Punjabi Speaking State and hence the Prime Minister should agree to the said demand.

The Prime Minister replied that the more he had thought over this matter, the more he was convinced that the Punjabi Suba was harmful for the Sikhs, the Punjab and the country. That conclusion he had arrived at after consulting his colleagues. He said that the economic progress would be hampered. Sant Ji asked as to how could the economic progress suffer to which the Prime Minister replied that all those questions did not arise in the modern world, when the people were going to the moon. Sant Ji replied that the attempt to visit the moon had been going on since many years past and that only a year back he had formed the provinces of Gujrat and Maharashtra, and that were not the people going to moon even then ?

The Prime Minister again referred to the question of language saying that the progress of the language should be insisted upon and he was prepared to agree to that. The Government's policy, added the Prime Minister, was to encourage the growth of Punjabi language.

Separate Haryana

Sant Ji replied that the Prime Minister had, in his four speeches, conceded that the present Punjab was in fact a Punjabi Suba, its predominant language was Punjabi in

Gurmukhi script. Some part, of course, spoke Hindi but even that part's main language was Punjabi in Gurmukhi script. He added that in his last meeting he had enquired from the Prime Minister and was told that that Hindi speaking area was Haryana. He had said that the Hindi speaking area may be separated. The Prime Minister, in reply said that though the spoken language was Punjabi but written language was Urdu. He said that it was clear that if the question of formation of Punjabi Suba was raised, even the Punjabi Speaking people would object inasmuch as thereby that would affect their freedom.

Simultaneous progress of Hindi & Punjabi

The Prime Minister continued that Punjab could not progress until both Hindi and Punjabi progressed. Quoting the example of the upper part of Bengal the Prime Minister said that applications were being received that they wanted some other language there to be enforced but that did not mean that Bengali would be suppressed. Continuing, the Prime Minister said that although the spoken language of the Punjab was Punjabi yet the script used was mostly Urdu.

Shifting positions

Sant Ji replied that the Prime Minister and his Government had already conceded that language of the entire Punjab was Punjabi in Gurmukhi script, and that how was it that things were now being said to the contrary. He added further that the Prime Minister, after having conceded that the present Punjab was Punjabi Suba with its language as Punjabi, from his talk at that time, he was giving different view that Punjab had two languages. Should it be concluded therefrom that Punjab was a bilingual State.

The Prime Minister replied that he had not said so. Regarding script, he again said that he had no objection to the Gurmukhi script and it would be a good thing if Gurmukhi script is fully adopted for Punjabi language. He further added that the real language was the spoken language and that Punjabi was spoken throughout Punjab by all communities, and also that if the connection of the Sikhs with Hindi was weakened the Sikhs would become weak.

Santji replied that Hindi being the national language, must naturally be read by every one and that he felt beyond that and his view was that children should try to learn various other languages also, besides Hindi and Punjabi.

P.M. says Punjabi would be forced on Haryana

The Prime Minister continued that Punjabi should not be forced on others. Santji replied by questioning that in that case would Punjabi be forced on Haryana people, as it is not their language, and the people and their M.L.A.'s had passed resolutions that they would not read Punjabi? To this the Prime Minister replied that he would force Punjabi language on them and in fact in childhood the education and language were usually forced on children. "When did the child like to read on his own?" he added. "He begins study with great difficulty."

Santji says Haryana's punishment must be undone

Sant Ji enquired that the question of children as being slow as to studying their mother language apart, how would the Government be justified in forcing a language on Haryana people which was not theirs? Justice demanded that the child should be taught in his mother tongue and that no other language be forced upon him. Santji further added that the Regional language of Haryana was Hindi and the national language of the country was also Hindi. Hindi would naturally progress as would the Hindi speaking people. Santji wondered as to why should they be made to study Punjabi, when their entire work would be done in Hindi. He further stated that Haryana was tacked to Punjab after the Mutiny of 1857 by way of punishment and that, at the present time their punishment should be undone. "Why this punishment be continued?"

The Prime Minister after some silence said that he was not sure when Haryana was joined to Punjab. Santji replied that that point did not matter as to when was it joined as long as the fact remains that it was joined by way of punishment. The Prime Minister said he accepted this fact. Sant Ji replied that in that case this punishment should be put an

end to and if they were willing to be joined with Delhi or any other Hindi speaking part, let them be taken therein.

Love, not suppression

Santji again reverted to the question of suspicion and asked the Prime Minister that he should give out his real mind. He asked some questions, such as : Did he suspect the Sikhs ? Did he consider that the administration would be affected or some other difficulty would come in by accepting the demand ? To this, the Prime Minister replied that he did not want to obstruct the economic progress of the country. By conceding Punjabi Suba our Five Year Plan would be obstructed. The progress of Punjab would also be retarded. Santji, however, remarked that by removing discrimination against Punjab, by applying linguistic principle to it, it would progress much more than before and we as satisfied people would put in much more efforts to make the Plan successful. He added, "The opposition of Hindu brothers may be there now but leave it to us as to how we win them over by love and affection, once this principle is accepted. We will win their confidence. Sikh hearts want only love and we can be completely won over by love but not by suppression.

Language made political issue

The Prime Minister then said the language question had been made a political issue and with that passions were rising. Santji replied that if the language question had not been made a political one, in other States he wondered as to how would it become political here. The Prime Minister replied that in the case of Andhra, Mahharashtra and Gujarat, the dispute centred on the cities of Madras and Bombay and both the cases had an historical background. There was, however, a unanimous demand for the formation of the separate States. In the Punjab, the problem was not confined to any particular city and there was no unanimity among the people. He further said that in Punjab Bhakra Dam had been constructed where from Rajasthan canal and many other canals for outside Punjab territories would be built and that as such all that progress would stop.

Sant Ji replied as to why was it thought in that way,

Punjab would remain their part and parcel and would continue to be under control. If any mistake would be committed by Punjab he (the Prime Minister) could set it right. Santji humorously remarked, "Pandit Ji you are considering as if some Sikh State was being carved out. I may make it clear that this State would be like other States of Bharat."

No suspicion against community

Pandit Ji, however, observed that the manner in which discussion had arisen, had created this situation. The other question was of Pakistan and China had encroached on our border and when Pakistan was raising trouble the question had become more complicated. Santji in reply said, "Do you suspect that *if Pakistan or China creates some trouble, we would join them. Do you believe this fact?*" The Prime Minister replied *suspicion cannot be had against a community or people, but some particular person could be suspected.* At this point Mr. Gujral intervening said that if a leader of a certain community was suspected, that amounted to suspicion against the community because he was the interpreter of their minds. Panditji said, "How can an individual mean a community?" Mr. Gujral replied, "Just as Mr. Nehru's words or opinions are taken and considered by the outside world as the opinion or word of India as a whole nay even of Asia, any suspicion against Mr. Nehru in the outside world would be taken as suspicion against India." Thereupon Panditji replied that no suspicion could be there against the Sikhs as such. Many Hindus and Sikhs talk of absurd things. Continuing Pandit Ji said that relations between Hindus and Sikhs should be better. Santji said that the relations between the two communities were quite good and he gave a recent example where in a big city of Punjab while he was passing through, some Hindu Seths threw money over his jeep and when he heard this noise, on his enquiry he was told that the Seths had thrown money over his head out of love. The Prime Minister in a loving tone said that he conceded that he (Sant Ji) commanded the respect of both Hindus and Sikhs. He, however, feared that by making the Punjabi Suba, the progress of Punjabi would be stopped and that the Hindus were afraid of Punjabi Suba. Santji

replied that this false fear should be removed by the joint efforts of all. He further said that let the Suba be made as an experimental measure and if that did not successfully work then it may be undone. In reply the Prime Minister quoted some Russian proverb that making and unmaking of certain egg preparations, which meant that the States could not be formed on experimental basis.

Growing rural influence resented

The Prime Minister then said that the Punjab Government was having more of rural element than urban. He said he did not grudge it, although some complaints were coming from certain urbanites against this growing rural control, and that there was not as much of communal element as there was the question of rurals *versus* urbans.

At this point Shri Gujral pointed out that the High Court of Punjab, in any case, is mainly in the control of Arya Smajist elements since 1920 and that was responsible for not having sufficient representation of non-Samajis and even non-Hindu elements thereon. The Prime Minister replied that there the urban element continued to be in power as before and the change in favour of ruralities had not come in as it had been the case of the Government.

Real cause of annoyance to Hindus

Reverting to the causes of Hindu opposition to the Punjabi Suba demand, Prime Minister said that a section of Hindus in the Punjab had the opposite feeling. In fact the Hindus living in big towns of Punjab were annoyed because they had not so much influence in the public life now as before. More and more people from rural areas were coming forward and participating in the public life, which was causing annoyance to the Hindus.

Sant Fateh Singh thereupon said that the people had their eyes on this meeting and they entertained great hopes because the Prime Minister before the opening of the fast by him (Santji) had said that his vow for which he had undertaken fast had been fulfilled and that as such the basis of his fast should now be accepted which was the formation of a unilingual Punjabi Speaking State. Panditiji replied that he had

great regards for the views of Santji but the more he had considered this question, the more convinced he felt that the idea of Punjabi Suba was harmful, particularly to the Sikhs, because they would become weaker in the other States and their scope for progress would become limited and that as to the other questions of Punjabi language and Gurmukhi script, he wanted to support them but even there by splitting it from the political question and by entrusting it to the educational people.

Government precipitated agitation

Pandit Ji further said that when Santji had observed that the difficulty could not be solved by that alone, and that when he was thinking of the progress of the country, Master Tara Singh should start such an agitation. He further said "Was it not stabbing us in the back by starting this agitation at a very critical time? Santji and companions said with one voice that the agitation was not started by Master Tara Singh or Akali Dal but that it was started by the Punjab Government and its Chief Minister. The All Parties Convention had decided to present a Memorandum to the Government for the formation of the Punjabi Suba and to take out a procession. The Government started arrests of Akali leaders with the result that people came out to exercise their right of association. Sant Ji said, "Our programme was to present the Memorandum to you just in that we are sitting with you now and talking to you. What could the Sikhs have done when they were not allowed even to present their case to you. It has gone deep into the minds of the Sikhs that Punjabi Suba is not being formed only for the reason that it might give them some benefit. Now you should decide this question one way or the other and the Punjabi Suba may be formed, otherwise the trouble will continue as it is." Pandit Ji replied that it was not his individual decision and that all of them (including his colleagues) after due consideration had come to the decision that *the formation of Punjabi Suba was impossible.*

Suspicious should be clarified

Sant Ji again reiterated that if there were any suspicions against them they might be clarified so that they might attempt

to remove the same. *At that stage Pandit Ji said that they might have read in the Press as to what had Sant Singh Tegh talked in Pakistan.* He said that he admitted that the Akali Dal had taken action against him and also that there were some persons whose acts could not make the entire community responsible. Shri Gujral at this stage said that for the mistake of one person the whole community should not be distrusted or suspected.

At this stage Sant Ji asked of the Prime Minister as to whether he had any alternative plan. The Prime Minister replied in the negative.

Then again Shri Gujral said that the Master Plan of Delhi which was being made could be so extended that this question could be solved by taking certain Haryana districts as part of Delhi. Pandit Ji replied that that plan was not for extending Delhi, but was there with a view to ascertain how far the influence of Delhi could extend to those areas.

Frustration among Sikhs

Sant Ji and his companions said that people of Punjab and particularly Sikhs would feel frustrated by this decision of the Prime Minister. Pandit Ji said that even amongst the Sikhs there were two opinions in Punjab, one for and the other against the formation of Punjabi Suba. He said that he had received some letters from such persons who had no connection with politics and were good Sikhs, saying that Punjabi Suba will be harmful. On Sant Ji's enquiry as to how many letters he had received, Pandit Ji replied, "About four or five". Sant Ji said, "Those Sikhs must be Punjab Government's agents." Pandit Ji then said that if they even slightly changed the boundaries of the present Punjab, there would be lot of upsetting. The Five Year Plan would be stopped, which had at the present moment reached a particular stage, at which even thinking of such a matter was not good.

Sant Ji then put a frank question to the Prime Minister asking that as to whether he did not like to do any thing for the matter of Punjabi Suba. Pandit Ji replied that the opinion of his colleagues was that Punjabi Suba was harmful. However, the question of Punjabi language could be considered.

Sant Ji then reminded the Prime Minister that in the

previous meeting it was observed by him that how could he be expected to hand over power to irresponsible persons like Master Tara Singh as also that he could not give power to the enemies.*

Masterji offer for voluntary exile

Master Ji had issued a statement that if he was the cause of suspicion and thus for not making of Punjabi Suba, he was prepared to go out of India for a life time and that in the light thereof could the Prime Minister agree to the formation of Punjabi Suba. Pandit Ji replied, "No, why should Master Ji go away from the country?" He had great regard for him as he was a brave man and further that such questions do not depend on the actions of individual persons."

Kairon's part in breakdown

Sant Ji then said that there was news in the press that Kairon had advised the Prime Minister to break up these talks with the Akalis now as this would weaken the Akalis. Shri Gujral then read out the news-item about this matter from an English Daily of the previous day and asked the Prime Minister if that was the reason for breaking these talks to-day without meeting the points raised in the Memorandum submitted by them in the last meeting and which were promised to be taken up in this meeting. Pandit Ji replied that Sardar Kairon had come to see him 2 days before but was hardly with him for 10 minutes and they had no talk on this subject. On the question of meeting the points raised in the Memorandum, Pandit Ji said that now as he had talked over the matter with them, there was no need for going into the points of the Memorandum. Pant Ji pointed out that this dispute could be settled in the Prime Minister's life time and that there would be no one to settle it after him. He further added that Pandit Ji had the reputation of settling even the international disputes and he wondered as to why could he not settle this petty dispute of his own country. Pandit Ji kept quiet for a minute and then said that he the Prime Minister

*As this portion has subsequently been denied by the Prime Minister both Master Tara Singh and Santji have agreed to close it up.

was prepared to do something in regard to the language question but nothing beyond that. On a question by Sant Ji the Prime Minister said that this was final opinion.

Majority weight against Punjabi

S. Gurbakhsh Singh then stated that when the 70% majority of the Hindus could be kept as a hanging sword over the head of the Punjabi language how could there be any progress? *Pandit Ji angrily said that they always talked in the terms of swords.* S. Gurbakhsh Singh, however, politely replied that he had only used an idiom. Pandit Ji questioned as to how 70% majority? To this S. Gurbakhsh Singh replied that 50% majority Hindus of Haryana were right in their stand because Punjabi was not their mother tongue, but for the purpose of suppressing Punjabi Haryana and Punjabi Region Hindus had combined and, they thus made 70% majority.

Pandit Ji said that the main consideration being the economic and industrial progress of the State other small matters did not come into the question. In the present scientific age when other countries were making great progress and had sent a human being into the outer space to think of doing such things which might hinder the progress of India was utterly senseless. He added that the formation of Punjabi Suba might satisfy a section of people for the time being, but in the long run it would not be advantageous for Punjab and rather would create bitterness between the two communities. To do anything which would come in the way of economic progress of Punjab would be wrong.

No Punjabi Suba in my regime—P.M.

At this stage Mr. Gujral enquired from the Prime Minister if the difficulty in conceding Punjabi Suba was on account of the present time being inopportune, because of the stage at which the Third Five Year Plan was going on, or on account of danger from Pakistan and China? Would his Government be prepared to consider this question after these difficulties were over and should the Sikhs postpone their demand in the larger interest of the country for the time being? The Prime Minister replied that he could not bind the next generation but so far as he was concerned he would not be prepared to consider this question during his regime.

Sant Ji, thereafter, enquired from the Prime Minister if any useful purpose would be served if he had more talks with the Prime Minister. The Prime Minister replied that he was always willing to meet Sant Ji whenever he liked and he would be prepared to consider any specific grievances of the Sikh community, but regarding Punjabi Suba he made the position quite clear and that too in consultation with his colleagues.

Shri Gujral then enquired if the Prime Minister had ever cared to enquire into the Sikh greivances during the past 14 years of his regime, to which the Prime Minister emphatically replied "Yes, he had been enquiring into the matters coming to his knowledge."

Thereupon Sant Ji and his companions got up and the Prime Minister came out to see them off up to the car waiting for the party.

(This meeting lasted for about 2-30 hours)

APPENDIX 39

SHASTRI-FATEH SINGH TALKS

DIALOGUE ON PUNJABI SUBA

We publish below the dialogue that took place between Sant Fateh and the late Prime Minister of India, Shri Lal Bahadur Shastri, on their historic meetings on 7th and 8th August.

The Firt Meeting

On the 7th August, 1965, at 7.30 p.m. Sant Fateh Singh reached the residence of Shri Lal Bahadur Shastri by car. He was accompaned by S. Uttam Singh Duggal, M.P., S. Lachhman Singh Gill, M.L.A., S. Man Singh, Editor, the *Mansarover*, and myself. We were received by Shri Gulzari Lal Nanda, Union Home Minister and other Government officials.

Shri Nanda, after showing Sant ji to a seat, went to the Prime Minister and at 7.40 p.m. the Personal Secretary of the Prime Minister escorted Sant ji to the latter's room. Santji

asked me to accompany him also; while S. Uttam Singh Duggal, Sardar Lachhman Singh Gill and S. Man Singh remained sitting behind.

When we were about to enter the Prime Minister's room, we were received and welcomed by Shastriji, Nandaji and India's Home Secretary at the door. Santji and all of us sat with the Prime Minister in the chairs placed on one side of the room. For the first few minutes, the photographers clicked their cameras.

At first, Santji and Shastriji inquired after each other's health and then the talks began.

Opening the talk, Santji said :

"Purely, on the basis of language, our demand for a Punjabi Suba is constitutional. The Government itself had accepted in the Constitution, the principle of forming states on language basis. When in other parts of India, states have been formed on the basis of language, what are the obstacles which stand in the way of Punjabi Suba."

Continuing Santji said, 'At first, in 1955 there was an agitation for this demand and twelve thousand Sikhs went to jails.

'Then in 1960 the movement continued for nearly eight months and 57,129 men and women went to jails. About two dozen young men were shot down by the Police and thus had to court martyrdom.

What violence and cruelty was meted out to the Sikh procession on the 12th June, 1960, you know very well. As for as we were told, truck loads of dead bodies of Sikhs were thrown into the Jumna River. Unarmed Sikhs were fired upon and killed in jails, simply because they demanded in writing that the release being offered to them by Government was unconditional.

'During India's fight for freedom, there were not even half as many arrests made and yet India had won freedom. But purely on the basis of the language, for a Punjabi Suba 57,129 men and women went to jails. There has never been such a long and peaceful agitation in this country. The Government cannot cite even a single instance of violence from our side in connection with this agitation.

'Our demand for a Punjabi Suba is purely on the basis of

language and we don't wish to enter into any discussion of communal percentages. Our demand is not on the basis of religion. Ours is only this just demand that when other states in India have been formed on the basis of language, not to do so in regard to the Punjabi language is a discrimination against the people of Punjab, pure and simple.

'I want to request you that, you should accept our constitutional and just demand without any delay.'

Shastriji, Nandaji and Home Secretary, all remained silent for about three minutes, it seemed as if there was nothing to say.

Santji said again, 'Shastriji, why have you become silent? We are here to talk things over, you should answer me.'

Shastriji : Santji, earlier also you had free and frank talks with the late Pandit Jawahar Lal Nehru. Punjabi is language of whole of the Punjab and full efforts are being made for its development.

Sant Ji : Kairon had introduced Punjabi on the district level, but now it has been dislodged even from there. Although we did not think well of Kairon because he beat up Hindus, Sikhs and Harijans, and dealt unfairly with the Punjabi Suba movement, yet he did introduce Punjabi language upto the district level. But the present Government has withdrawn it even from that level. Then how are we to understand that efforts are being made for the development of the Punjabi language?

Shastri Ji : Punjabi in Gurmukhi script is being used and it is being put into use in every way.

Nanda Ji : The official report also says the same.

Sant Ji : No Punjabi language is being unfairly treated and its growth is being stifled. Its annihilation is taking place, not development. Yes, the progress is towards its end. It's not progressing. Everything is happening against the Punjabi language. Punjabi is being discriminated against. It is being wiped out everywhere, as far as the Punjab Government is concerned.

Shastri Ji : If the reverse is happening, then we have to see why it is not being implemented.

Sant Ji : Where there has been no progress, then what have we to see?

Nanda Ji : We have also to examine your other points (grievances).

Sant Ji : When one thing has not been decided and Government has not been able to do anything, then why bother over other points. At first, Punjabi was in use upto the district level. Your Government stopped that also. Even if you might say this or write a few words in favour of Punjabi, we shall not be convinced that you would implement it, because until now you haven't done it. We shall not feel satisfied till you treat us at par with the rest of the Indian people. Just as in the country other languages have been accorded their due place, we also demand the same; but in the Punjab the the reverse is happening. The matter does not end there that you heard our grievances and do nothing about them. The one and only solution to all these grievances is Punjabi Suba. First we should decide about it. From the very beginning we have been of the view that we should not pick up a quarrel, nor do we wish the Government to be involved in one. Nor do we wish to exert any sort of pressure. The principle of the formation of States on language basis was not made by us. This was made by your own Government and the division of States on basis of language was also started by you. But you are discriminating against the Punjabi language. So all other problems shall automatically be solved if you accept our this demand. Now even our religion is no longer safe.

Shastri Ji : (interrupting) You say religion is in danger ?

Sant Ji : Yes, our religion is not at all safe.

Nanda Ji : (addressing Shastriji). Their demand is constitutional and just.

Shastri Ji : Yes, but what to do. These are bad times. The problems will increase; Sant Ji, how is the religion in danger ?

Sant Ji : Our religion is not at all safe in free India. Don't you know that in the Punjab at several places, *Sri Guru Granth Sahib* has been burnt, the *Akhand* paths have been disturbed, leaves have been torn out of *Sri Guru Granth Sahib*, but the Government have paid no heed. In Kashmir the hair of Prophet Mohammed was stolen and the whole machinery of the Indian Government was activated. The

Radio and press protested loudly. The other Muslim countries also spoke up, and Shastri Ji, the late Prime Minister Shri Nehru, sent you immediately to Kashmir. You had not even time to fetch your coat from your house. You borrowed the late Prime Minister's coat which perhaps might have been too loose for you (*general laughter*), and you went and pacified the Muslims there. This was something good that you did. The same respect must be accorded to everybody's religion, but why this discrimination against us? In your hearts, there is no respect for our religion. If you had any respect, you would have acted at once. On the other hand we love this country, because it is our country. We feel the responsibility of defending this country even more than you do. On the one hand we were preparing to meet the Pakistani attack and exhorting the people to be ready for the defence of India, whereas on the other hand, Punjab's Chief Minister and other ministers issue statements everyday threatening "to crush us down." You know that sacrilege has been committed with respect to Sri Guru *Granth Sahib* and yet the Government have done nothing. What are we to understand? As we cried in agony, didn't you feel any pain? No, you feel nothing. Then how our religion is safe?

Nanda Ji : I had my inspiration from Sri Guru Granth Sahib. My education also stated from there, I used to listen to the life-story of Sri Guru Nanak Dev ji from my maternal grandfather. We received our education from Sri Guru *Granth Sahib*.

Sant Ji : You are a Punjabi too. You must be knowing how much reverence we have in our hearts for Sri Guru Granth Sahib.

(At this stage, tea was brought in. Shastriji offered a cup to Santji and requested him twice to take tea, but Santji declined. I requested Santji that he should take tea. And Nandaji, Home Secretary and myself started sipping tea, meanwhile the talks continued).

Sant Ji : If you are aware of these things, and you get inspiration from Sri Guru Granth Sahib, why did you not then go to the scene of the incidents personally?

Nand Ji : I had been regularly receiving reports from the

Punjab Government, bearing out that all possible steps were being taken to trace the miscreants.

Sant Ji : This is absolutely incorrect. The Punjab Government have neither done nor is doing anything genuine in the matter.

Nanda Ji : This can be verified. If we have been given wrong reports we shall take the State Government to task. I am prepared to call the Chief Minister or go with you to each scene of incident and satisfy you, by taking appropriate action, against the miscreants. If the Punjab Government have been passive, we will not be so. We have traced out the culprits in two cases; while one case is incomplete, the other is ripe for action.

Santji then presented a list of eleven pages dealing with the instances of sacrileges and acts of discrimination, of which a brief summary is as follows :

1. At Budh More, Distt. Patiala a copy of Sri Guru Granth Sahib was set to fire.
2. At Jangpura, Distt. Ludhiana...
3. At Khara, Distt. Ambala.....
4. At Gunachore, Distt. Jullundur...
5. At Doraha, Distt. Ludhiana
6. At Jamalpur, Distt. Jullundur...
7. At Dharamsala Vadehrian the Akhand Path was interrupted.
8. At Chak Kheowali, Thana Fazilka, Distt. Ferozepur, pages of Sri Guru Granth Sahib were torn off.
9. In Patiala City at Moti Bagh Palace, pages of Sri Guru Granth Sahib were torn off.
10. At Jamalpur a copy of Sri Guru Granth was set to fire and thrown into a dirty well. The police tried to hush up the case but Sant Chanan Singh reached the spot and got the complaint lodged and under the pressure of the Shiromani Akali Dal the copy of Sri Guru Granth Sahib was taken out of the dirty well. What a height of devilish depravity and utter lawlessness it is to consign the embodiment of the very Spirit of the Ten Gurus of Sikhs to fire and dirty water.

Nanda Ji : It is really very bad that things have reached such an extreme.

Sant Ji : The Sikh community was all rage and it would have retaliated and wrought havoc, but we pacified the Sikh masses, in view of the Pakistan aggression. There have also been instances of the sacrilege at the *Sarovar* (holy tank) of the Golden Temple in which several packets of forbidden cigarettes were thrown. Had we brought these ugly incidents to the notice of the Sikh masses they would have gone completely out of our control. How can you claim that the Punjab Government is taking all possible measures ?

Nanda Ji : Santji this is really extremely painful I will take up the matter in my own hands. (Dictates a note to Home Secretary).

Sant Ji : What can you do ! Even Dr. Sushila Nayyar, the Health Minister of your Central Government has outraged our religious sentiments.

Shastri Ji : (Hurriedly) what is that ! Just tell me what she has done ?

Sant Ji : Dear Sir, please listen patiently. She said here in Delhi that in the days of the Sikh Gurus there were no barbers but now there was no dearth of them. (*Suggesting that Sikhs should shave off*).

Stroking his beard, Santji said that Sushila Nayyar had looked down upon the Sikhs who grow beard and keep uncut hair, is your Minister.

Shastri Ji : (*growing angry*) Why should she utter such words ?

Nanda Ji : (*Interrupting*) I was present on that occasion. Dr. Shushila Nayyar said that the Sikh's hair and beard were obsolete symbols serving no useful purpose in modern times. Still, she should not have, uttered these words. We are really sorry for what she said.

Sant Ji : She went even beyond this as she said later that Shri Guru Amar Das (The Third Sikh Guru Sahib) performed *seva* (religious service) for twelve years and each year he got a piece of khadi (cloth, one and a quarter yard in length), which he regarded as gift from the Guru Sahib & used it as his turban. She added that he was utterly negligent of his body and concluded that the Sikhs were a dirty lot.

Nanda Ji : She did not say so.

Sant Ji : This she did not say in your presence but I can produce an eye witness, He is an educated person knowing the entire case. He is sitting in the adjoining room. I can call him if you like.

(Both Mr. Shastri and Mr. Nanda kept mum and brooding).

Sant Ji : At several places Government officials have told the Akali workers that their blue turbans smacked of communalism.

Shastri Ji : Which official said it and where?

Sant Ji : These things have been said at several places. (*Santji cited instances of such happenings at Garh Shauker and Ganga Nagar.*) These are petty matters. But for your information I may add that they are liable to take a serious turn.

Nanda Ji : This is really very bad. We shall take action (The Home-Secretary and Mr. Nanda were taking notes Mr. Nanda asked the Secretary to make a special note of it.)

Sant Ji : Even Vinoba Bhave, whom you regard a saint and friend of all, has injured the Sikh sentiments while speaking in Gurdwara Sahib Jagat Sudhar at Calcutta. He suggested the letter "N" be deleted from the word "KIRPAN" to make it "KIRPA" (grace). Although, he later on apologised for it though in a letter, yet why, at all should such malicious suggestions be made? What business have got your leaders with our religion? This (*holding his Kirpan*) is our religious symbol. Our symbols are the gifts of our Great Father, Sri Guru Gobind Singh ji. Bereft of their arms, soldiers cease to be soldiers. Will you consider the removal of the soldiers from the border and the use of "Kirpa" (grace) instead : Why rain-loads of thousands of tanks and guns? Why spend one-fourth of our national income on defence? Deprived of Kirpan we shall not remain the true followers of our great Guru Sahib. We are the sentinels of Religion. In the light of what is happening, do you think our religion is safe under your administration?

Nanda Ji : (Surprised) I shall enquire. Why it became necessary for Vinobaji to make such remarks.

Sant Ji : You have shattered those Sikh traditions which even the Britishers during their regime took special care to

preserve and promote. Soldiers are being encouraged to shave off their beards, and sacred *keshas* (hair), and it is unmistakably clear that Sikh spirit among the defence forces is being crushed out. The Britishers, under the guidance of Akali Kaur Singh maintained the Sikh way of life in the army whereby morale and heroism of the Sikh soldiers remained the highest. But the present trends are detrimental to the Sikh religion. I emphasize that the Sikhs are true patriots. If you protect their religion, they can protect the country.

Shastri Ji : (addressing Mr. Nanda) Do you see, Sant Ji says the Sikh religion is in the danger?

(Mr. Nanda explained to Mr. Shastri ji what Sant ji meant).

Shastri Ji : Santji : The world is changing fast. Young men are losing faith in religion and its ceremonies. We are helpless if some one shaves off his beard and hair.

Sant Ji : Oh, you are helpless! What have you to do with the rest of the world. We are not talking about others but of your armed forces. It is also a part of military discipline and it is your responsibility. It is your weakness. You do not bother. If the soldiers are true to their religion and traditions they will give greater proof of their valour. If your religion is not safe, you cannot protect the country.

Nanda Ji : We shall have to discuss this in greater details. We will surely consider it. Surely, it is our responsibility to look after the forces and their faith. You have rightly pointed this out, we agree with you that if we are true to religion, we shall be able to protect the country better.

Sant Ji : The Sikhs have made unique sacrifices for the cause of India's independence. But the places associated with their martyrdom are being neglected. You have raised a splendid monument in memory of Lala Lajpat Rai at his birth place, village Dhudike. I had been there the other day. But no one has ever thought of raising a memorial to a Sikh martyr of the same village who was hanged for the cause of national freedom. I do not at all object to the commemoration of Lalaji, but I stress that while you are raising memorials in the memory of Lalaji throughout the country, you have shown supreme indifference to the Sikh martyrs who were hanged during the struggle for freedom. Why this discrimina-

tion? Baba Kharak Singh, S. Bhagat Singh S. Udham Singh, S. Kartar Singh Sarabha, the martyrs of Guru Ka Bagh and many other Sikhs laid down their lives at the altar of India's Independence. None of the great Sikh patriots of the 'Kama Gata Maru' ship and Revolutionary Babas have received any recognition by way of memorials. We are happy at your raising memorials in honour of the Hindu patriots. Indeed, you must raise. But the Sikh martyrs should also be equally honoured. You should be fair and impartial in these matters.

Nanda Ji : You have done well to draw our attention to the question. We shall certainly consider this.

Shastri Ji : We never heard of all this before (He kept looking at Santji astonishingly).

Sant Ji : You are the rulers of the country. You must know all that happens in the country. The late Prime Minister, Pt. Nehru, often made a mention of the Sikh soldiers at the Ladakh and NEFA fronts. In this connection a Film, named 'Haqiqat', was also produced. Sardar Kairon's Government donated a sum of Rs. ten lakhs for its production. But it does not contain a single scene depicting the bravery of the Sikhs, while Hindus are continuously extolled in it.

Shastri Ji : Have you seen it?

Sant Ji : No (pointing towards me), he has seen it.

Shastri Ji : What did you notice in it?

Budhiraja : It presents a Sikh in drinking bout.

Shastri Ji : (Addressing Mr. Nandaji). This is very objectionable. We must examine the matter. (Mr. Shastriji was much perplexed).

Sant Ji : The instances of discrimination against the Sikhs are countless. At each step we are being discriminated against. You observe holidays in memory of the less known patriots but no holidays are granted in honour of the Gururs. Sri Guru Arjan Deve ji laid down his life for dharma. Sri Guru Teg Bahadur, the Saviour of Mother India, sacrificed his precious life for the protection of the Hindu religion and its symbols. His martyrdom should be celebrated by the Indian Government, also by all the Indians. His splendid sacrifice, which saved the country, the Hindu religion and its culture is being ignored. Sri Guru Gobind Singh ji,

the greatest of all the patriots who sacrificed his entire family and his own life for the sake of the nation and the Dharma. Not to observe a holiday in his honour is nothing short of naked discrimination. And, again malicious literature is continuously being published against the Sikh Guru Sahibs.

Nanda Ji : Where is it published?

Sant Ji : It is found in the textbooks of the Fourth Primary class of the Rajasthan schools. These books contain disparaging remarks about Sri Guru Tegh Bahadur Ji.

Nanda Ji : I assure you, on behalf of the Prime Minister we will try to redress all these grievances.

Sant Ji : You confine everything to the files but do not implement anything. It is evident from our previous experience that nothing is implemented. Or, else, why should the case of the Tarai (U.P.) Sikhs be still pending? How sad it is that the people who cleared the jungles, faced snakes, lions and deadly animals, risked their lives and made the barren lands cultivable and productive food-grains, are being uprooted and turned into refugees, just because they happen to be Sikhs.

Shastri Ji : (To Nandaji) We should look into grievances of the Tarai Sikhs.

Nanda Ji : (To the Home Secretary), You should take up this matter.

Sant Ji : I would bring to your notice another act of great injustice : The Rajasthan Government have enacted a law whereby a farmer producing maximum food-grains would be negatively rewarded. The Sikhs broke the previous records by raising maximum foodgrains. But now a new law has been enacted which kills the spirit of the first law. By this law a land producing ten maunds of foodgrains is to be considered as a standard acre, for the purpose of fixing land-ceilings and taking away surplus lands. Since the lands belonging only to the Sikh farmers of District Gangnagar are more productive because of their labour, the Rajasthan Government is finding excuses to seize their lands. On one side you are exhorting the people to grow more food but on the other side by passing such laws you are penalising the Sikh peasants who produce more.

Shastri Ji : Please explain this matter to me again. (Santiji explains it.)

Shastri Ji : This is really strange.

Nanda Ji : I keep in touch with whatever happens in the country but this is something new to me and I know nothing about it. It is something undesirable.

Sant Ji : Our people in Rajasthan have yet another sad experience. The lands donated to the *Gurdwaras* by Maharaja Ganga Singh are now being confiscated by the Government. Your democratic regime has snatched away the gifts of the wise Prince Maharaja Ganga Singh. He promoted irrigation by tanks, but our own Government has exasperated the people by imposing crushing revenue duties.

During the Sikh rule, Maharaja Ranjit Singh donated lands to mosques, temples and *Gurdwaras*; the Britishers did not confiscate these. Even Pakistan has spared the lands belonging to the Sikh *Gurdwaras*. But things are quite different here in India.

At Ganga Nagar, where the Sikhs are in a position to elect their own representatives the Government has declared three seats 'Reserved', so that a Sikh may never get elected. By taking this step, the Government has also sought to breed ill-will between the Punjabis, specially the Sikhs, and the Harijans. It is sheer high-handedness. You ought to find out why the Government is indulging in such tactics against the Sikhs.

Your election symbol is a pair of bullocks but you do not know how to plough! You (*Shastriji*) cannot even hold the grip of a plough. May be, you have no idea of what the grip of a plough is like, not to speak of tilling. Mr. Nanda! you too, do not know ploughing, nor can this friend (pointing to Home Secretary) can handle a plough. How then can you justify having a pair of bullocks as your election symbol? This should in fact, belong to us. Any way, does not matter much.

And, then, you have allotted to the Communists the election symbol of sickle and an ear of corn, and to Jana Sangh, lighted earthen lamp, which, too, has not been changed. The Jana Sangh people can carry the lighted earthen lamp by day as well as by night and can popularise

it the way they choose. But our symbol is changed every time. Why this discrimination against us? The Akalis were first allotted the election symbol of a bow and an arrow but then it was changed to a fan, a bucket, a hand and then to a balance in the last bye-election of Pati. Your Government has reduced our symbol to a matter of constant mockery.

Shastri Ji : Why did it happen? Wherefore this change of symbol?

Sant Ji : So that we may not be able to familiarise our symbol to the people.

Nanda Ji : What is this dispute between the two rival Akali Dals?

Sant Ji : It is to be settled and, in fact, it has been settled by the Sikh community. You must be well aware of it. We put the issue to the Sikh community for its verdict and, as you well know, the case was decided in our favour in the last Gurdwara Elections. But what I ask is merely this : Why do you keep on changing our election symbol in spite of our getting more votes than others? Is it not discrimination?"

Nanda Ji : We shall look into this matter.

Sant Ji : We have complaints about the Radio programmes also. From the Jullundur Radio Station, which is in the heart of the Punjabi speaking region, every programme is relayed in Hindi; Punjabi is utterly ignored. How strange it is that in the very home of the Punjab, all programmes are relayed in Hindi Why is it so?

Nanda Ji : Sant Ji ! Do you not listen to the Radio? Shabads (Sikh hymns) are also relayed.

Sant Ji : They are relayed, no doubt but only when China and Pakistan invade India the Government needs the co-operation of the Sikhs. (Recites lines from several hymns). Mr. Kairon who always threatened to crush us, himself recited the Sikh hymns at the Radio Station and the records of those were relayed every day. (Here Santji quotes passages from the stirring, patriotic hymns that were recited by Mr. Kairon.) But when the danger is over, the hymns are forgotten.

Nanda Ji : Santji we are prepared to satisfy you in every

possible way. Give us a chance and all your grievances will be redressed.

Sant Ji : You have not trusted us as regards the granting of passports. My case for passport to visit Malaya was kept pending for eight months without any rhyme or reason. When I did get it, a condition was imposed that I can go to a foreign country only on a religious mission. If Sheikh Abdullah wants passport, he is given one immediately. But we the Sikhs are not given passports because the Government does not trust us.

Shastri Ji : Santji ! had you written to us, we would have got you a passport at once.

Sant Ji : Other Akali workers are also denied passports to visit Sikh shrines in Pakistan. Even the Secretary of the Shiromani Akali Dal has not been granted a passport to visit gurdwaras in Pakistan. (Santji referred to my case).

Nanda Ji : All these things will be set right Santji; we are ready to concede everything to you. All these grievances will be removed.

Sant Ji : What can you concede? In the Punjab, the Governor, the Chief Minister, the Speaker, Chairman of the Council, etc., are all non-Sikhs. The Sikhs are also being victimised in the services in every way.

Shastri Ji : All these matters can be settled. Resignations can be sought. We want that you should now strengthen the hands of the Government. And we would be willing to remove all your grievances to your satisfaction.

Sant Ji : The only solution to all these problems, and the one that would also satisfy me, is this that you should accede to most, legitimate and constitutional demand. Your not acceding to our demand for a Punjabi Speaking State on purely linguistic basis is the height of discrimination against us. I want to make it clear that we can feel satisfied only if you end this discrimination. Otherwise, the masses will go ahead of us and might become uncontrollable since the problem has been hanging fire for such a long time.

Pandit Nehru admitted the fact that Punjabi is the dominant language of the Punjab State and its script is Gurmukhi. He added that there is also a region where the language is Hindi but even there Punjabi is understood. When I asked

him which that region was, I was told that it was the Haryana region. I would therefore, stress that you should condone the punishment inflicted upon people of Haryana; for, Haryana was annexed to the Punjab by way of punishment. If it hurts you to accede to our demand, why do you not accede to that of the people of Haryana ! That would serve our purpose, too.

Nanda Ji : No, no *Santji* : There is no question of the loss of prestige for us in accepting your demand.

Shastri Ji : This is not the point, we do not call in the question of loyalty of the Sikhs. But, then, the creation of Punjabi Suba will cause an upheaval, since a big majority will be against it. The country is passing through critical period. There are internal as well as external dangers. Let the present critical time be over.

Sant Ji : It means that you are doubting our loyalty and sense of patriotism. Can you cite a single instance where the Sikhs might have deserted you in a crisis ?

Nanda Ji : We do not mean this. We are facing a grave situation, of which you are aware.

Sant Ji : You expounded the principle of linguistic states and your leaders kept on extending promises from 1920 to 1947, so much so that Pandit Nehru even went to a further extent, of his promise : Please tell us (pointing to me).

I said : On April 5, 1946 Pandit Nehru promised to give an autonomous state to the Sikhs and he said that it would be necessary to let the Sikhs have a sense of freedom. I also pointed out that if public opinion was a major consideration then surely it should have been given due recognition at the time of the merger of PEPSU with Punjab. Public opinion was against it and the records speak of the PEPSU Legislative Assembly's unanimous rejection of the proposal. Then why this merger was effected ? Morarji Desai was against the idea of dividing Maharashtra and Gujarat into two separate states and had threatened to go on a fast unto death to prevent the division. Even Pandit Ji assured that no such division would take place. But everything and everybody was ignored when it actually came to dividing the province.

Shastri Ji : When did Morarji say so ?

In the meeting held at Panditji's residence, where I too was present.

Nanda Ji : Yes, they did talk like that.

Sant Ji : When the criticism of public opinion was not considered fit while making other provinces on the basis of language, why should it be applied here? Why don't you respect the words given by your leaders?

Shastri Ji : If these people wish Punjabi to be in Devnagri script?

Sant Ji : But why must impose Punjabi on such people? Keep Haryana separate and let the people of Haryana be saved from this ordeal.

Shastri Ji : People of Haryana demand for a Haryana state if Punjabi Suba is given.

Sant Ji : That solves the whole problem. Both the parties agree for the demarcation. You can satisfy both by effecting it.

Nanda Ji : The demand is justified if 90 per cent of the population makes it, but not if it is supported by 50 per cent or 60 per cent of them.

Sant Ji : That is not the question at present. Why must you involve yourself in the issue of percentages. It is a question of recognising a basic principle. Ours is not a communal demand. Consider the basic policy, percentage issue is irrelevant.

Shastri Ji : (Addressing the Home Secretary) What will be the figures of percentage?

Home Secretary : About 60 per cent of them will be the Sikhs, in a Punjabi Suba.

Sant Ji : This is wrong and baseless. In the Punjabi Suba Sikhs will be hardly 50 per cent of the total population.

Nanda Ji : (To Home Secretary : Please give us exact figures).

(The Home Secretary began to shuffle his papers and it took some time to find the details).

Sant Ji : If your Secretary is unable to furnish the desired information, my Secretary can do it. Looking at me, "Budhi-
raja ! "kindly let them know the figures."

I gave them all the details alongwith the statistics quoted in 1961 census about the area-wise percentage of the Hindus, the Sikhs and the Muslims. Nandaji took a note of all this.

Shastri Ji : But Pandit Nehru felt that this will be a dangerous step.

Sant Ji : Can you convince me by reason and logic of the danger apprehended. I am ready to forego my claim if it is so.

Nanda Ji : (Addressing Shastriji) The demand of Santji is constitutionally justified but we cannot do anything at the present time of emergency.

Shastri Ji : We must try to find some way of removing the complaints you have made. We will think of something which satisfies you

Sant Ji : To deny discriminations to which Sikhs are being subjected and against which they protest.

Shastri Ji : We will discuss that also but first we must do something regarding the complaints that you have made. This is our primary duty. You have mentioned language. We must take care of that too. We will enforce Regional Formula thoroughly.

Sant Ji : (Interrupting) The only solution of these complaints is Punjabi Suba. We don't accept Regional Formula.

Shastri Ji : Perhaps you want a Sikh Chief Minister; this is possible after the elections if.....

Sant Ji : This is a poor consolation. All this is irrelevant. The only important point before us is that Punjabi Suba should be formed on the basis of language which is the panacea of all the ills.

Shastri Ji : We are ready to satisfy you as best as we can. I would request you to discuss the complaints first which give rise to the demand of Punjabi Suba.

Nanda Ji : The Regional Formula will also be put into practice and all the promises made by Pt. Nehru shall, too, be fulfilled.

Sant Ji : This is mere eye-wash. How can we expect the Regional Formula to be enforced now when it has been a dead letter all these years ? You must now accept the Punjabi Suba.

Nanda Ji : (laughing) As for Punjabi Suba is concerned, Masterji has already accepted Commission in its place.

Sant Ji : There is no grain of truth in it. If Masterji went back on his demand for Punjabi Suba, we still stand by it. We won the election precisely because of it. People trusted us and cast eight lakhs of votes in our favour. They returned us with

effective majority in the S.G.P.C. It hardly matters if Masterji demands Punjabi Suba or not. The Sikh Community still demands it and this demand has now become an integral part of their life-motive. I reiterate that the number of the people arrested for demanding the independence of India is not even half the number of people arrested for putting forward the demand of Punjabi Suba. The arresting of 57,129 men and women is not something that you may neglect so easily. The Government has adopted a rigid, prejudiced attitude or why can't you argue out my demand? If you can't find an argument to substantiate your rejection of demand then why must you hesitate to fulfil it. Whom are you afraid of? Your own brothers must not frighten you and why must you be afraid of accepting what is just and lawful.

Shastri Ji : We, afraid of whom? Oh no! Is it Jana Sangh? No, No.

Sant Ji : You are afraid of your own brothers. If you were not so, you would have directly agreed to our demand for Punjabi Suba. You are surely afraid of somebody.

Nanda Ji : No, it is wrong. We are afraid of none whosoever.

Sant Ji : You are spoiling your relations with us simply to carry favour with those who are nearer and dearer to you.

Shastri Ji : Santji, this is not the time. There are so many problems which call for immediate attention. Even your complaints need looking into first of all. Other issues too will be settled. We will talk about everything in due time. You are a great man, a saint. We have great regard for you because you are sincere. Well, I don't ask you to relinquish your demand altogether; I simply request you to postpone it now when the country is passing through a crisis. We don't want to lose your goodwill.

Sant Ji : If you are so particular about our goodwill, you ought to have taken due care of everything. At which door of justice should we knock and to whom would we complain about the innumerable injustices done to us. We have the support of Almighty God only. Our living is made difficult. You know all that happened at Paunta Sahib. We ourselves cleaned the floor of the blood of the innocent Sikhs spilt there,

And yet the Judge who was deputed to make investigation, adopted a most highly never imaginable communal attitude in his report. We are being insulted everywhere and no heed is paid to our grievances. To which tribunal of justice should we go and tell our tale of our misery? Nobody listens to us in this country. A nation of lion-hearted men has been reduced to such low level as to make them beg for mercy from persons who are no match for them. A community worthy to rule has been crippled in this free country by the vile practices of the selfish men... (At this Santji was too much moved to continue speaking).

Nanda Ji : Please calm yourself. You see, we did accept all of your proposals concerning Paunta Sahib.

Shastri Ji : We will certainly look into all of your complaints and I assure you we will do it sincerely. We wish to satisfy you and also to keep Punjab united. That is our aim and let us think of means to that end. Regional Formula of course, will be enforced fully. As far as all other matters are concerned, we will satisfy you, give us some time.

Sant Ji : To assure us of the enforcing of Regional Formula, which has remained neglected so far, is insincere talk. Your assurance never goes beyond paper. So, now we can never be satisfied with anything less than Punjabi Suba.

(It was 9.40 p.m. Santji asked permission for calling his two other colleagues in.)

Shastri Ji : Oh sure ! You must.

Sant Ji : Budhiraja ! Will you please call S. Lachhman Singh Gill and S. Uttam Singh Duggal, in ?

(Both of them joined the company).

Shastri Ji : Santji ! You argue like seasoned advocates. What I wish to point out is the fact that country is faced with serious problems and we must surmount them first of all.

Sant Ji : It is reason and logic which must guide us when we say something. Do you think that we are just beginning ? Well, you tell me about your main objections and I will suggest proper solution for them. You create Haryana State. That will be easier for you to do. You might not like to agree to our demand but you can surely grant what your brothers of Haryana demand. Thus you can please your brothers and us

too without any special effort. You yourself support negotiations and peaceful discussion to solve the problems. So our issue must as well be decided on the basis of reason and arguments.

Shastri Ji : Please accede to my request. If you do it, all your colleagues will follow suit.

(S. Lachman Singh Gill asserted that they would surely agree to what Santji said. Santji silenced him by saying that he was not a dictator that he might carry all of his points before the Working Committee).

Sant Ji : Shastriji ! I have put my case before you and now it is for you to see that justice is done to us. As regards my colleagues and their approval, I will explain everything to them and do as they decide. To accept what you say is something not entirely in my power. But I am sure that the Sikh nation will never feel secure and satisfied without Punjabi Suba. If you remain adamant, the Sikh nation will break all the restraints under which we are now keeping them. Already they are seething with rage against the injustices.

Nanda Ji : Peace and security is the need of the hour. The situation is very serious. We are not at all afraid of Master Tara Singh's threats. You are a pious man and you are *pukka* of your word. But we don't have faith on anything that Masterji says.

Shastri Ji : (Moving his fingers) If Master dares to create trouble, we will crush him in five minutes. But we appeal to you to please understand our problems.

Sant Ji : Shastriji ! You are a man with means and can crush me in seven minutes—I being a little stronger than Master ji. Why should you be worried then ?

(Shastriji and Nandaji felt embarrassed)

Shastri Ji : (feeling embarrassed) That is exactly what we don't mean Santji ! You have just given it another meaning. You are a pious, religious man and you deserve all our reverence and respect.

Shastri Ji : Kashmir problem is becoming serious. Pakistanis have infiltrated there. We are too much worried. We solicit your co-operation at this moment of panic. So, please, you must accept our request.

Sant Ji : It is question of give and take. We can accept

what you say provided you too accept something of what we say. Now tell me should I give the details of our meeting to my Working Committee ?

Nanda Ji : I think we must meet again tomorrow.

Shastri Ji : Let it be five in the evening.

Sant Ji : All right in the meanwhile you must give a serious thought to all the points raised before you, the only solution of which, of course, is Punjabi Suba.

After this we came out. Shri Lal Bahadur Shastri, Shri Gulzari Lal Nanda and the Home Secretary also came out to see off Santji. It was 10 at night.

When we came out, we were surrounded by a large crowd of press reporters, but Santji told them only this much that the talks were held in most friendly atmosphere and that they will be continued the next day. Santji also informed them that Punjabi Suba was the central issue discussed.

Second Meeting

This time the persons accompanying Santji were S. Uttam Singh Duggal Member of Rajya Sabha, S. Lachhman Singh Gill, Member Punjab Legislative Assembly and myself. We entered the hall which we had visited the previous day.

Shri Gulzari Lal Nanda, Shri Ram Kishan, Chief Minister of Punjab, S. Darbara Singh, Home Minister of Punjab and the Secretary of Home Affairs were present there. All of them welcomed Santji, and Santji seated himself on a couch and we on other seats.

Darbara Singh took a position on the right hand of Santji and Comrade Ram Krishan sat on his left. Shri Nanda was sitting beside us. Santji remarked jocularly : "See, how the Punjab Government has besieged me, God protect me !" At this everybody had a hearty laugh. Ram Kishan wanted to talk to Santji but Santji purposely but in a humorous tone said to Darbara Singh : You should fight for Punjabi Suba just as Subramaniam stood for the cause of Madrásis and for that end, he resigned from the Cabinet. Mr. Kamraj also extended his support to the people of his State wholeheartedly."

Darbara Singh had no word to say in answer to this. He smiled and got aside. While we were busy conversing on the

topic, the Personnel Secretary of the Prime Minister came to call Santji. Like the previous day, on our entering the P.M.'s room we were received by the P.M., Home Minister and the Secretary for Home Affairs. We all occupied our seats. Shastriji initiated the discussion.

Shastri Ji : We had free discussions yesterday and we have been thinking about your grievances. We have prepared a Note which Nandaji will read out to you. Nandaji handed over a three-page Note to Santji and its typed copies were distributed amongst us. The Note was read out for Santji.

Meanwhile, the waiter came with soft drinks. The drinks were deep red in colour. Santji asked lightly, "What red coloured liquid is this ? See that you are not committing any crime !" This made everybody laugh. Shastriji took Santji's hand and said, This is *Rooh-i-Afza*—a drink which delights the soul. I am also, like you, allergic to the red drink". (And again everybody laughed).

Sant Ji : Nothing else but Punjabi Suba can delight my soul. Drinks like *Rooh Afza* cannot lift my soul. (Addressing Shastriji). If you want to satisfy me, you must accept our just, rigid and constitutional demand.

Shastri Ji : We want to satisfy you by looking into and dealing with your grievances first. The rest of the things will be done by and by. Give us some time. (He asked again) Does this Note satisfy you ?

Sant Ji : There is absolutely nothing substantial in this Note. Our chief objection is about your not conceding the demand for Punjabi Suba. The complaints have been made to enable you, to see how the Sikhs were being discriminated against.

Santji ordered me in an angry tone : "Get up, let us go. Let us not waste our time."

Shastriji holding Santji's arm asked him in a thoughtful tone, "You look angry, I assure you that gradually everything will become all right. You are a saint and being one should remain calm. You should not take any unpleasant steps ! Punjabi Suba is not a big thing, we value your life more.

Sant Ji : If for my life, you care so much, why don't you concede our demand ? You defeat it on the basis of logic or accept its principle.

Nanda Ji : Yours is a constitutional demand, and stick to it but you may postpone it in view of the present serious condition of country.

Shastri Ji : We do not ask you to give up the demand as such. You should arouse public opinion in favour of it. We, however request you to postpone the demand for the time being.

Sant Ji : This is not possible. We cannot postpone our demand. However, I shall put up the whole case before the Working Committee. The Committee would think over it and whatever decision is arrived at, you will be intimated accordingly.

Shastri Ji : (Taking back the note from Santji, addressed Nandaji and said). Let us think a little more over the Note and add something to it.

Sant Ji : You will kindly permit us to go now.

Shastri Ji : (Holding Santji's arm) You seem to be angry. I assure that everything will become all right, and you should believe me.

Sant Ji : I am not; rather you have made me feel that way. If you want to see me cheerful give what I ask for; I shall go satisfied. Your not conceding our demand for a Punjabi Suba is bound to disturb us.

Nanda Ji : Santji, have faith in us : we cannot choose to displease you.

Shastri Ji : Will you be here tomorrow so that we may send this Note to you.

Sant Ji : I may stay here tomorrow up to 9 a.m. Permit us to go now. It is quite late already.

We then came out.

Press Reporters : What has been talked over ?

Sant Ji : Whatever we have discussed, shall be placed before the Working Committee. I shall look up to the Committee for a decision.

(He refused to disclose the details of the talk).

Sant Ji : The talks took place in a pleasant atmosphere. About satisfaction I shall discuss with the Working Committee. My talks with the P.M. were on the demand for a Punjabi Suba.

The talks ended and we came back to our place. After

dinner, Sant Ji ordered us to leave for Amritsar. We had a station wagon and set off for Amritsar, the same night at 11.45 p.m.*

APPENDIX 40

RESOLUTION FOR SELF DETERMINED STATUS

RESOLUTION NO. 1

(Passed at the sixteenth All India Akali Conference
Held at Jullundur on the 26th/27th February, 1966.)

This open Session of the Sixteenth All India Conference of the Shiromani Akali Dal, held at Jullundur on the 27th February 1966, resolves as follows :

After a careful and open discussion of the current situation in the country, in the context of the aims and objects of the Shiromani Akali Dal, it is, *agreed*, that the following resolution passed by the Working Committee of the Shiromani Akali Dal, at Lundhiana, on the 22nd August, 1965, be unreservedly supported and passed, namely, that.

- (1) *After Carefully Considering* the political position of the Sikhs since India became free,
- (2) *Notes* that, all decision-making powers, at all levels of the State apparatus, have been securely gathered in the hands of the Hindus, and,
- (3) That these powers are consistently being employed to discriminate against Sikhs to demoralise and degrade them, with the ultimate object of submerging the Sikh people into the Hindu mass, and thus make the Sikhs pass out of the stream of History, and,
- (4) That this is being done after cynical repudiation of solemn assurances given to the Sikhs by Hindu leaders in and before 1947, to make Sikhs agree to merge in

* (Translated from the original Punjabi pamphlet issued by S.G.P.C., Amritsar. —The Sikh Review, Dec. 1965).

a common Indian nationality, pledging recognition of a Sikh territory within free India, where the Sikh people can function autonomously pending which recognition the political power in the Indian Punjab was to be shared at fifty fifty basis, on all levels,

- (5) *Resolves* that the Sikh people are entitled to, and demand, a self-determined political status for themselves within the Republic of the Union of India, such as might enable them to preserve themselves and prosper freely.

RESOLUTION NO. 2

This open Session of the Sixteenth All India Akali Conference, of the Shiromani Akali Dal, hereby resolves as follows, that, the resolution passed at the emergent meeting of the Working Committee of the Shiromani Akali Dal, held at New Delhi, on 2-11-65, is hereby unreservedly supported and passed, namely, that, it :

- (1) *welcomes* the announcement of the Government, to consider afresh the demarcation of a Punjabi Suba in the North of India and unreservedly,
- (2) *supports and Demands* immediate setting up of an unilingual Punjabi state on linguistic basis, and hereby,
- (3) *reaffirms* that neither the demand nor its acceptance can be legitimately confused or equated with any political demand of the Sikh people as such, and,
- (4) *demand*s that the Government-demarcated and universally accepted, and recognised boundaries of the present Punjabi-speaking region should alone form the basis of the reorganisation of the Punjab on linguistic basis.

RESOLUTION NO. 3

**(Passed at the Sixteenth All India Akali Conference
Held at Jullundur on the 26th/27th February, 1966)**

This open Session of the Sixteenth All India Conference of the Shiromani Akali Dal, held at Jullundur, this day, 27th February, 1966 :

- (1) *Takes Cognizance* of the ill-conceived, selfish and ruinous pursuit of policies by the Congress Party as rulers of the country since 1947, in particular, its wrong-headed doctrinaire erosion into the dignity of the citizen and his economic autonomy, its calculated suppression of the peasants in disregard discrimination against the Sikh people, in particular, through State policies in Punjab, Uttar Pradesh, Rajasthan and Madhya Pradesh with a view to devalue and degrade them in a free India, and its persistent contrariness of refusal to demarcate a unilingual Punjabi state inhabited by Punjabi speaking peoples, and
- (2) *Warns* the Congress rulers of the serious consequences that are bound to cause great distress to the nation and incalculable damage to the unity and integrity of the country, and
- (3) *Makes it clear* that any tricks or formulae calculated to hamper the progress of the Punjabi-speaking Punjab towards its true destiny is bound to recoil on the heads of those, who practise them.

APPENDIX 41

KHUSHWANT ON SIKH HOMELAND

My Role in Sikh Politics

There has been some speculation regarding my role in the recent development in Sikh politics particularly my association with Master Tara Singh's support for the demand of a "self-determined political status" for his community.

My main pre-occupation is with my community, its past history, its present condition and its future. My reading of Sikh history, the present predicament of the Sikhs in India and in other parts of the world which have had the opportunity to visit has lead me to certain conclusions which have a bearing on their future propose to put across my point of view as honestly as I can and forcefully as my pen or oratory permit me.

I have never subscribed to demand for a Punjabi *Sābhā* be-

cause I believed it to be a dishonest unnecessary camouflage for something I hold as an article of faith, viz. an autonomous Sikh State within the Indian Union. I support the present demand for a "self-determined political status" for the Sikhs because in this "portmanteau" phrase accommodates my concept of an autonomous Sikh *Sūbā* within the Indian Union I am further convinced that all Sikhs whatever their political affiliations subscribe to the same creed. There is not one Sikh temple where the litany *rāj kareygā Khālsā* is not chanted at the end of every prayer. Those Sikhs who deny this are either lying to their *gurus* or to their rulers. If the government really wishes to squash this sentiment it should seal off all Sikh *gurdwarās* and declare the singing of *rāj kareygā Khālsā* a criminal offence.

I do not consider the demand for a Sikh *Subā*, communal, fissiparous or anti-national. On the contrary, I am convinced that only in a state where the Sikhs can assure themselves of the continuance of their traditions can they play their full role as citizens of India. Such conditions do not obtain in the country today. There is a definite resurgence of Hinduism which threatens to engulf the minorities. The administration is unwilling or unable to suppress it. The Sikhs' closeness to the Hindus (all said and done Sikhism is an off-spring of Hinduism and many Sikhs have Hindu relatives) poses a real challenge to their existence as a distinct and separate community. The process of lapse from the Khalsa tradition of Sikhism into Hinduism has proceeded apace and unless it is checked we may well witness the passing of this brave people into the pages of history. I am sure that neither Hindus nor Sikhs would like to see this happen. All that has made the Sikhs—courageous, enterprising, obstreperous, unyielding—is closely connected to the traditions of the Khalsa.

I believe that the only way of reviving and nourishing the traditions of the Khalsa can be in a state where Sikh children compulsorily taught Punjabi in the Gurmukhi script and as they grow up they are initiated into the traditions of the Khalsa and told of the stories of the thousands who suffered martyrdom (for the right largely to wear their hair and beards unshorn) and of the reckless valour which made the Sikh empire possible. This may not sound secular. But neither is

the emphasis on Sanskrit—(largely Hindu religious texts or cow-protection enforced by the state very secular). This I believe is the only peaceful alternative which will ensure the continuance of the Khalsa tradition.

This autonomous Sikh Suba, when it comes about (and it must come about soon without further exacerbating Sikh feeling) will remove the chief grievance of the Sikhs. The emphasis will of course be on language to be used at all levels will be Punjabi in Gurmukhi script. Hindi and English will be languages of communication with other states. Its radio station will only use Punjabi, not the tasteless *khichrī* cooked up by All India Radio, Jullundur. I am sure that as soon as this Suba is constituted the Sikhs will overlook other grievances (fall in the Sikh proportions in the services, ceilings on land, discrimination in granting of industrial licenses etc. often mentioned in Sikh circles). Such a Sikh *Sūbā* will strengthen not weaken India. It will give the Sikhs the chance to say proudly : “I am a Sikh; I am an Indian”.

Does this sound communal fissiparous or antinational ?

APPENDIX 42

SELF DETERMINED STATUS EXPLAINED

Why this Resolution for Self-determined Status for the Sikhs ?

Sant Singh

Hon. Secy. Chief Khalsa Diwan

How unhappy at heart the “prosperous looking Sikhs” are, can well be gauged by the following Press Note released by the Chief Khalsa Diwan, a most conservative non-political educational body with a long-standing record of loyalty to the past and present rulers.

The Chief Khalsa Diwan discussed in its Executive Committee Meeting on 1-8-65, the import of the Ludhiana Resolution passed at the General Hari Singh Nalwa Conference demanding for the Sikhs a self-determined political status *within the Republic of Union of India*.

It was felt that as the oldest organisation of Sikhs it is our duty to bring to the notice of the Government as to why the

Sikhs are dissatisfied and what factors compel them, time and again, to demonstrate in one way or the other to have their political importance recognised. In fact it is the duty of the Government, and the intellectuals behind it, to probe deep into the matter in a detached and dispassionate manner and to analyse the causes that have led to so many Sikh agitations since Independence. By putting the blame on one or more Sikh politicians that they want to maintain their own importance or that their failures or frustrations goad them to start agitations or demonstrations, would not solve the problem.

The Sikh masses are dissatisfied. Let the case of the Sikhs be studied by a committee of intellectuals among politicians uninfluenced by the present Government, to probe deep into the matter with a view to find a solution to the problem, and remove the causes that lead to unrest every now and again.

The Sikhs are as good and as patriotic citizens of India as any other community. During the struggle against the British rulers they sacrificed more lives, suffered more hardships and proved second to none in snatching independence for the Union of India. For the love of the country, as also on account of their long attachment with the Hindu community for whose liberty of worship their Gurus made supreme sacrifices, the Sikh community rejected all sorts of baits to be attracted to Pakistan, and pooled their destiny with the citizens of Bharat to make it a strong Union and a Republic that could hold its head high in the comity of nations.

To understand the working of the mind of the Sikhs, one should see with what magic the ten Gurus created, out of a highly demoralized people, a community of stalwart fighters for freedom and liberty which culminated in their baptism by the Tenth Guru in 1699. While he taught them to have a very high moral character, to love all without distinction of caste, creed or country, he also enjoined upon them to die like valiant fighters in the struggle for freedom, liberty of religion and thought and, for a respectable place under the sun. It is the infusion of this spirit in their hearts that would not allow them to lie low or to give before oppression or force. Their only greetings *Vahegurūjī Kā Khālsā, Vahegurujī Kī Fateh*, that the Khalsa belongs to the Almighty Who is Ever-Victorious, is enough to keep the fire smouldering in the embers. Failures

may come, agitations may fail, movements like the Punjabi Suba may fritter away, the leaders may show the greatest weakness leading to temporary frustration of the community but the fire in the embers would never be extinguished and the spirit infused by Guru Gobind Singh will rouse them again and again to struggle for a respectable place for themselves under the Sun.

After Independence, the Sikhs agreed to merge into the Indian Union. *They were given an explicit understanding of being accorded a constitutional status of co-sharers in the Indian sovereignty alongwith the majority community*, but the solemn understanding stands cynically repudiated by the present rulers of India.

Instances of a few of their grievances appear below :

For several decades before-Independence, the Sikhs in Defence Forces as a matter of discipline were not permitted to shave off. The Britishers realized the connection between the religious and military discipline while now this has been done away with on plea of secularism. Some high officers get clean-shaven just to become favourites of the rulers, thus devising a cheap way of promotion. For the last several years, efforts on the part of Sikh organisations to get the old discipline resuscitated by the Government of India have failed.

The Civil Officers in the Punjab State as well as in the Union have also been made to suffer on account of their distinctive appearance.

The Sikh farmers went to Terai (U.P.) as pioneers and changed the jungles infested with ferocious animals into a rich farm-land but when they had rehabilitated themselves and converted it into a surplus food-area, efforts were made to throw them out.

In universities in the Punjab, the Sikhs have no voice at all, their position in Punjab University having further deteriorated since Independence.

In the selection of judges for the High Court and the Supreme Court, their talents are not recognized.

In Bihar and Bengal the Sikh drivers have been facing all sorts of humiliation.

Volumes of *Gurū Granth Sāhib* have been burnt at various

places in the Punjab without any strong action by the Punjab rulers.

Certain individuals and organisations of the majority community intentionally publish books and articles to humiliate and ridicule the Sikh community without the law taking a strong course.

Most of all, the Sikhs have been strongly discriminated against by the States Reorganisation Commission. While all other states have been redemarcated on language basis, the same right is denied to Punjabi, probably, just for fear lest Sikhs should form a majority in this state.

After the Punjabi Suba Morcha, in 1955, there was a compromise on the Union Government's Regional Formula but the same has never been worked with sincerity. This grievance led to another and a much bigger Morcha in 1960 though without success.

The Government might be feeling happy that the Sikh leaders, by their own weakness or being duped by the Government, could not accomplish anything but they forget that small failures never mean defeat, much less to the Sikh community nurtured on the spirit infused by the Sikh Gurus that if they struggle for the right cause, they may lose battles, but in the end the victory will be their's.

Unless the present rulers and the majority community show a change of heart and consider the Sikhs to be co-sharers in the Indian sovereignty (and not second-rate citizens to be humiliated at every step), I fear, the Sikhs cannot and will not live a life of peace. They will continue the struggle; their spirit nobody can curb. So the only solution is searching of hearts by the rulers and the majority community which may ensure to the Sikhs a life of honour and respect as equal citizens of India without any discrimination in the Defence Services, in the Civil Services, in the field of language or even as individuals, anywhere in the Union of India.

No amount of political casuistry can reduce the significance of this strong minority. They have been the makers of history and have played a strong part in determining the political destiny of free India. No amount of semantic diplomacy can keep them down for a long time. Their problem requires a change of heart on the part of the rulers as well as the

majority community. For peace and progress in India this is something implicit.

APPENDIX 43

REVEALING TRUTH ABOUT PARLIAMENTARY COMMITTEE ON PUNJABI SUBA

THE OTHER SIDE

Sardar Hukam Singh

I do not support all policies of the Akali Dal and have differed on many occasions. I had deprecated the extremism in Punjab practised by a few individuals; I had condemned hijacking, assassinations and other violent activities publicly. But that did not mean that the Akalis only had committed mistakes. More than once, I have declared publicly that greater and bigger mistakes had been perpetrated by the Central and State Governments.

Repressive Policies

The present agitation was started by one section of the Akalis, but the coercive and repressive policies of the Punjab Government united all the warring groups among the Akalis behind the *morcha*. The indiscriminate murder of innocent young men under the false pretext of encounters, and harassment of women and children, relatives of the hunted persons, wanted by the police under real or cooked up charges, pushed all these families into the agitation. Repeated expressions of willingness on the part of the Government to concede all the religious and a few other reasonable demands of the Akalis, but delaying the making of any unequivocal statement actually conceding them, caused various *sants* to gravitate to the *morcha* which began to be treated as a *dharma yudh*. And then every Sikh being treated as a suspect and humiliated, as if the whole community was a criminal tribe, brought about a situation where a Sikh and an Akali appeared synonymous.

The decision to start a second *morcha* at Delhi during the Asian Games was not wise. But more unwise were the steps taken by the northern States, particularly Haryana, for preventing every Sikh from reaching Delhi.

P.M.'s Observation

The Prime Minister was reported to have observed on November 26, 1982 when releasing some books published by the Delhi Gurdwara Committee (H.T. Nov. 27) that "when the Punjabi-speaking state was formed, the suggestions made by the committee headed by S. Hukam Singh had been accepted." This was not so. According to her statements in *My Truth* (p. 117), "Unfortunately, Mr. Shastri had made S. Hukam Singh, the Speaker of the Lower House, Chairman of the Parliamentary Committee on Punjabi *suba*, although he was very biased in favour of Punjabi *suba*...I went to Mr. Chavan and said, I had heard that S. Hukam Singh was going to give a report in favour of Punjabi *suba* and that he should be stopped...once the Prime Minister's appointee had declared himself in favour of Punjabi *suba*, how could we get out of it?"

Mrs. Gandhi, along with Mr. Chavan, could see Mr. Shastri with much difficulty, and when they did, Mr. Shastri just said he was fully in touch with the situation and we need not bother... (p. 118). "But I was very bothered, and I went around seeing everybody. Of course, once the report came, it was too late to change it."

Suba Issue

Lal Bahadur Shastri continued the policy of Jawaharlal Nehru, and was as deadly against the demand of Punjabi *suba* as was Nehru. So, when he was urged by the Mrs. Gandhi to stop Hukam Singh, he did not waste any time. Mr. Shastri called Mr. Gulzari Lal Nanda, then Home Minister, to his residence, and conveyed to him the concern about the feared report. I was contacted on the telephone. Mr. Shastri disclosed that Mr. Nanda was with him, and had complained that he had suggested my name (Hukam Singh) for the Chairmanship of the Parliamentary Committee under the mistaken impression, which he had formed during a casual talk with me, that I believed that Punjabi *suba* would not ultimately be of any advantage to the Sikhs, but that I now appeared determined to make a report in its favour.

I answered that the facts were only partly true. I had told Mr. Nanda that Punjabi *suba* would not ultimately be of much advantage to the Sikhs. But I had also added that the issue

had by then become one of sentiment and had roused emotions. Therefore, it was not possible to argue with, much less to convince, any Sikh about the advantages or disadvantages of Punjabi *suba*. Every Sikh considered the denial as discrimination. I further enquired from Mr. Shastri, whether I had not expressed the same opinion to him, and his answer was in the affirmative. I myself offered to confront Mr. Nanda by immediately rushing to Mr. Shastri's residence, but he said there was no need. This disillusioned me. The intention of the Government then was to use me against my community, secure an adverse report and then reject the demand.

Sikh Demand

The Government has never seen merit in any Sikh demand. The Das Commission in 1948 recommended postponement of reorganisation on the plea, *inter-alia* that if once begun in the south, it might intensify the demand by Sikhs in the North. The J.V.P. Committee (Jawaharlal, Vallabhbhai Patel and Patabhi Sitaramayya), when reviewing the Das Report, gratuitously remarked that no question of rectification of boundaries in the provinces of Northern India should be raised at the present moment, whatever the merit of such a proposal might be.

And this became the future policy. Nehru stuck to it. Shastri continued the same; and Indira Gandhi has made no departure.

Every effort was made by Mrs. Gandhi, Mr. Shastri and Mr. Nanda to stop me from making my report. But when nothing succeeded, the Congress forestalled the Parliamentary Committee Report by agreeing to reorganize Punjab by a vague resolution dated March 9, while the committee report was signed on March 15, 1966, a week later. So it is not a fact that the recommendations of the Parliamentary Committee were accepted.

PSP Note

S.N. Dwivedi, leader of the PSP in the Lok Sabha, in a separate note appended to the Report, regretted this decision of the Congress: "But the public announcement of the decision of this Congress sub-committee, and the Prime

Minister's statement that the decision would be binding on the Government, showed that it was a deliberate attempt to bypass this Committee, and undermine its importance. It also proved that the Congress Party wanted to take political advantage of a particularly developing situation."

Why the Government had been so strongly against the Parliamentary Committee making a report in favour of Punjabi suba and why Mrs. Gandhi had felt bothered and run about "seeing everybody to stop Hukam Singh," has been explained by Mrs. Gandhi herself: "The Congress found itself in a dilemma; to concede the Akali demand would mean abandoning a position to which it was firmly committed and letting down its Hindu supporters in the Punjabi suba...(p. 117 of *My Truth*). The Government has always been very particular about not "letting down its Hindu supporters". The Congress could not depend upon Sikh voters and, out of political considerations, could not suffer losing Hindu votes also. Therefore, the Congress failed to do justice to the Sikhs.

The party in power should have realised that "minorities will continue to exist and will continue to present a problem, which statecraft will find insoluble, until it tries the methods rarely adopted hitherto of applying the principles of justice, equity and good government. Then minorities will cease to be a torment to the State possessing them and will become instead a blessing. May that day come soon."

Voters Pool

But how could that day come till today and how can that come now, if the Congress policy continues to preserve its pool of Hindu voters, "whatever the merit" of any issue might have been.

The Parliamentary Committee had come to these conclusions: (i) the present state of Punjab be reorganised on a linguistic basis; (ii) the Punjabi region specified in the First Schedule to the Punjabi Regional Committee Order 1957 should form a unilingual Punjabi State; (iii) in case there are any boundary adjustments to be made...a committee of experts be set up immediately to suggest the necessary adjustments.

The First Schedule of the Regional Committee Order, 1957 contained Rupar, Morinda and Chandigarh Assembly

constituencies in Ambala district in the Punjabi region. The capital project was excluded from either of the two regions but the intention was clear. It was kept out only till it became a full-fledged constituency. And even until then, its representative was to sit in the Regional Committee for the Punjabi region.

Committee Bypassed

The Government bypassed the Committee and forestalled its report. The subsequent reference to the Shah Commission was loaded heavily against Punjab. Making the 1961 Census as the basis and the *tehsil* as the unit was a deliberate design to punish the Sikhs. The language returns in the 1961 Census were on communal lines. Therefore, the demarcation had to be on communal rather than on a linguistic basis.

Consequently merit was again ignored and justice denied. Naturally tensions between the two communities increased. If the Sachar Formula, worked out in 1949, had been accepted, there would not have been any further conflict. If the Regional Formula had been allowed to be implemented, there would not have been any further discontent. And if Punjabi *suba* had been demarcated simply on a linguistic basis, and not on false returns in 1961, there would not have been any extremist movement.

Tension between Hindus and Sikhs in Punjab is certain to continue unless the communal Hindus see wisdom and retrace their steps by acknowledging Punjabi as their mother tongue. If the Punjabi Hindu, had not disowned Punjabi and isolated the Sikhs, then a sense of Punjabi nationality would have grown and suppressed Hindu or Sikh Communalism.

Congress Approach

The same approach has been adopted towards the present *morcha*. The demands that were dubbed separatist, unpatriotic and dangerous in the beginning are, after great sufferings and sacrifices, being conceded gradually. But care is being taken even then that the Congress does not lose its pool of "traditional Hindu supporters" in Punjab, and that the Congress ministries in neighbouring states do not suffer in any case.

Justice will never be done on any issue if authority is influenced more by political considerations than by merit. In such a case the minorities will continue to be a torment to the country.*

APPENDIX 44

CHIEF KHALSA DIWAN ON TERMS OF REFERENCE OF BOUNDARY COMMISSION

SANT SINGH HON. SECY. CH. KH. DN.

The Chief Khalsa Diwan regretfully protests against the decision of the Central Government to mention in the terms of reference of the Punjabi Suba Commission to pay 'due regard' to the census figures of 1961 in determining the boundaries of the Suba.

The 1961 and 1951 census recording were on communal lines and did not convey the real number of Punjabi and Hindi speaking people. For people from Hindi speaking areas, having migrated to Punjab, it is possible that they speak their own dialect for a few decades but it is absolutely false and absurd that people from the same forefathers as Punjabi-speaking people, living from centuries in the centre of the Punjab, with all their kith and kin speaking Punjabi, have a language other than Punjabi as their tongue. For this reason soon after the 1961 census, the then Prime Minister condemned its language recordings "as false and unreliable." What an irony of facts that in the terms of reference the present Home Minister should ask the commission to give due regard' to these figures.

The advocates of the Punjabi Suba are dead set against any demarcation on these communal lines. The language figures of 1961 are deadly communal, and if the Central Government sticks to its decision, they will be creating a festering sore in

*The late Sardar Hukam Singh was formerly Speaker of the Lok Sabha. This commentary is one of the last articles he had written before his death last month.

the body politic of India, which may in times to come shatter the very foundation of a secular democracy. That the 1961 figures are absolutely communal is clear from the following district-wise figures of Punjabi-speaking people :

District	Census 1891	Census 1931	Census 1961
Amritsar	98.2	97.9	76. 5
Jullundur	98.6	91.4	61. 2
Ludhiana	98.5	96.3	76.53
Hoshiarpur	99.9	99.7	47. 2

That the Punjabi-speaking population could decrease so suddenly and so steeply in the last 30 years is absolutely incredible. All this is due to the communal feelings created in the minds of some Hindus, who have disowned their mother tongue. Giving 'due regard' to 1961 census figures is paying a premium to these communal feelings which will have serious repercussions. Our political leaders should heed the indications on the wall. They are fanning the flames of communalism. It is such like communal feelings of some Hindus that moved Mr. Jinnah to demand a separate chunk from the country, ending in its division and, the tragic aftermath in 1947. We appeal to them for the sake of the unity and integrity of the country, for the sake of its defence, for the sake of our common brotherhood, for our joint interests and above all for our secular democracy, the biggest in the world to rescind these terms of reference and get demarcation of the boundaries made purely on language basis with due regard to census figures from 1891 to 1931 before the venom of communalism affected the language, of course giving due weight to the migration of Punjabi-speaking people that moved to East Punjab as a result of the partition in 1947. Otherwise, the coming generations will put the blame squarely on their shoulders for being responsible for fanning communal feelings and for the consequences resulting from them in years to come.

We concur with the Hon'y. Secretary Chief Khalsa Diwan and would request the Home Minister, Central Government to reconsider his decision in the light of the above letter which is self-explanatory. Insistence on dependence on 1961 census, already declared undependable by the then Prime Minister would be just touching the hornet's nest.

APPENDIX 45

S. KAPUR SINGH'S SPEECH IN PARLIAMENT

6th September, 1966

BETRAYAL OF THE SIKHS

Mr. CHAIRMAN : Motion moved :

"That the Bill to provide for the reorganisation of the existing State of Punjab and for matters connected therewith, be taken into consideration."

SHRI KAPUR SINGH : Madam Chairman, I have gone through this draft Bill most carefully and I have heard the Hon'ble Home Minister with the diligence and respect which his speeches and utterances always deserve. Madam Chairman, as it is, I have no option but to oppose this Bill. Like the curate's egg, though it might be good in parts, it is a rotten egg. It might be edible, but only as a measure of courtesy, as it is devoid of nutritional qualities and since its putrefaction is far gone, it is really unfit for human consumption.

SHRI TYAGI : It depends upon the power of digestion.

SHRI KAPUR SINGH : I am convinced that it is deleterious for the Sikhs however strong their stomachs might be supposed to be, as Mr. Tyagi hints. I oppose this Bill, on behalf of my constituents and reject it on behalf of my parent party, Shiromani Akali Dal. I do so for three reasons, firstly, it is conceived in sin, secondly, it has been delivered by an

incompetent and untrained midwife and thirdly, it is opposed to the best interests of the nation, as it will almost certainly lead to a weakening of national integration and loss of faith in the integrity of those who exercise political power in the country.

SHRI TYAGI : It is not an illicit child.

SHRI KAPUR SINGH : It is not an illicit child but it is conceived in sin. It may have the vigour of hybrid offspring but unfortunately, it is an offspring of a miscegenous union, and, therefore, I oppose it. I say, it is conceived in sin, because it constitutes the latest act of betrayal of solemn promises—series of solemn promises—given to the Sikh people by the accredited leaders of the majority community, by the revered leaders of the Congress national movement, and by the unchallenged spokesmen of the ruling party.

It will do this House good—it will do the public a lot of good—it will do the people of India, a great deal of good—and it will do the international community a world of good to listen to a brief narration of this story of betrayal of a people, who, though small in numbers, have not been adjusted as of no consequence in terms of dynamism of History, people, though modern and forward-looking, are staunch guardians of the basic insights into Reality of the ancient Hindu race, and a people who though they may be matched in qualities of courage, self-sacrifice and patriotism, have not been surpassed by any community in India or any group of people outside.

Here is the brief story of a callous betrayal of such a people—the Sikhs of India—by those whose flesh of flesh and bones of bones the Sikhs are, and whose ancestors—common ancestors of the betrayed and the betrayer, both—had upheld the highest and the noblest notions and standards of ethical conduct in respect of the subject of keeping faith with fellow men and redeeming promises solemnly made.

I quote from *Mahabharat, Adiparvam*, sub-chapter, 74 and verse, 25 :

Yo anayatha santamatmanam anayatha pratipadayete, kinten na kritam papam caurainatmapaharina.

It means :

“He who has one thing in mind but represents another

thing to others, what sin he is not capable of committing ? For, he is a thief and robber of his own self."

I ask the Hon'ble members to take their minds back to the year 1929, when the All India National Congress met at the banks of the River Ravi--Airavati of our ancestors--and fixed complete independence as its political goal. On that bitterly cold night of destiny, I was present as one of the student volunteers in the service of the Nation. On the previous day, the Sikhs had taken out a five hundred thousand strong procession with veteran Baba Kharak Singh leading it on elephant back, from under the walls of the ancient fort at Lahore, which was described in *The Times*, of London, as :

"a most impressive spectacle of human congregation that put the Congress show into shame and shade."

It was on this occasion that Mahatma Gandhi, Pandit Moti Lal Nehru, and Pandit Jawaharlal Nehru, went to meet Baba Kharak Singh, at his place on the Chauburji Road, and gave the Sikhs a solemn assurance that after India achieves political freedom, no Constitution shall be framed by the majority community unless it is freely acceptable to the Sikhs. This promise was then reduced into a formal policy Resolution of the All India Congress Committee.

Afterwards, this Policy Resolution was repeatedly reiterated, officially and demi-officially, throughout the period upto August, 1947, and it was not official repudiated till 1950 when the present Constitution was framed. The trusting Sikhs, who in their Daily Prayer, extoll keeping faith as the noblest of human virtues, placing complete reliance in this solemn undertaking given to them by the majority community, resisted and refused all offers and proposals made to them by the British and the other people--the Muslims--whom we now prefer to call, the Muslim League--proposing to accord the Sikhs a sovereign or autonomous status in the areas constituting their ancestral homeland between the River Ghaggar and the River Chenab.

This is first link of the story which I am going to narrate here so as to provide background to the conclusion as to why this Bill should be rejected.

The second link is that in the year 1932, at the time of the Second Round Table Conference, the British Government, through Sardar Bahadur Shivdev Singh, then a member of the India's Secretary of State's Council, made an informal proposal to the Sikhs that if they dissociate finally with the Congress movement, they would be given a decisive political weightage in the Punjab, as such would lead to their emerging as a third independent element in India after the British transfer power to the inhabitants of this subcontinent.

The much maligned, the naive, Master Tara Singh, to my personal knowledge, promptly rejected this tempting offer. I was then a student at the University of Cambridge and was closely associated with these developments.

The third link is this : In the month of July, 1946 the All India Congress Working Committee met at Calcutta, which 'reaffirmed the assurances already given to the Sikhs and in his Press Conference held on the 6th July, there, Pandit Jawaharlal Nehru spelt out the concrete content of these solemn undertaking in the following flowery words :

"The brave Sikhs of the Punjab are entitled to special consideration. I see nothing wrong in an area and a set-up in the North wherein the Sikhs can also experience the glow of freedom."

In these words, an autonomous State to the Sikhs, within India, was promised.

Fourthly, in the early winter of 1946, the Cabinet Mission, while at Delhi communicated to the Sikhs through the late Sardar Baldev Singh that if the Sikhs are determined not to part company with Hindu India, the British Parliament, in their solicitude for the Sikh people, was prepared to so frame the Independence Act of India, so that in respect of the Sikh homeland, however these areas might eventually go, in Pakistan or India, no Constitution shall be framed such as does not have the concurrence of the Sikhs. But Sardar Baldev Singh, in consultation with the Congress leaders, summarily rejected this offer which went even beyond the assurances given by the

majority community, in 1929 and in 1946 by Pandit Jawaharlal Nehru in Calcutta.

Fifthly, in April 1947, Mr. Jinnah, in consultation with certain most powerful leaders of the British Cabinet in London offered to the Sikhs, first through Master Tara Singh and then through the Maharaja of Patiala, a sovereign Sikh State comprising areas lying in the west of Panipat and east of the left bank of the Ravi river on the understanding that this State then confederates with Pakistan on very advantageous terms to the Sikhs. Master Tara Singh summarily rejected this attractive offer and the Maharaja of Patiala declined to accept it in consultation with Sardar Patel and Pandit Jawaharlal Nehru.

Sixthly, on the 9th December, 1946, when the first meeting of the Constituent Assembly was held under the chairmanship of Babu Rajendra Prasad, Pandit Jawarlal Nehru moved the first and the fundamental Resolution in which it was said :

“Adequate safeguards would be provided for minorities . . . It was a declaration, a pledge and an undertaking before the world, a contract with millions of Indians, and, therefore, in the nature of an oath*, which we must keep.”

What happens in case of political perjury is not a point I propose to discuss today, for, when neither the feelings of shame, the reprobates of conscience, nor the dread of punishment from any bar is there, the sufferers can only pray to God, which the Sikhs are doing today. But since it is the prerequisite of power to invent its own past, I am putting the record straight for the Public opinion and the posterity by recapitulating this sorry tale of betrayal of the Sikhs, a trusting people.

*To take recourse to a solemn oath, to inspire confidence that might be betrayed when convenient, is quite in the political tradition of the Indian National Congress. On 16th March, 1931, Mahatma Gandhi came to a special Sikh congregation held in Gurdwara Sisganj, Delhi, where he was asked as to what guarantee there was that his Indian National Congress would implement the assurances, given to the Sikh People in 1929, at Lahore. His reply is published in his *Young India*, of the 19th March, 1931, and it contains the following : →

Seventhly in the month of May, 1947, precisely on the 17th May, Lord Mountbatten, Pandit Jawaharlal Nehru, Nawab Liaquat Ali Khan and Sardar Baldev Singh, flew to London on the invitation of the British Cabinet, in search of final solution of the Indian communal problem. When the Congress and the Muslim League failed to strike any mutual understanding and Pandit Jawaharlal Nehru decided to return to India, the British Cabinet leaders conveyed to Sardar Baldev Singh that, if he stays behind, arrangements might be made :

“So as to enable the Sikhs to have political feet of their own on which they may walk into the current of World History.”

Sardar Baldev Singh promptly divulged the contents of this confidential offer to Pandit Jawaharlal Nehru and in compliace with the latter's wishes, declined to stay back and flew back to India after giving the following brave message to the Press :

“The Sikhs have no demands to make on the British except the demand that they should quit India. Whatever political rights and aspirations the Sikhs have, they shall have them satisfied through the goodwill of the Congress and the majority community.”

“Sardar Madhusudan Singh has asked for an assurance that the Congress would do nothing that might alienate sympathies of the Sikhs from the Congress. Well, the Congress, in its Lahore Session, passed a Resolution that it would not enter into or be a party to any settlement with regard to the minority question that failed to satisfy any of the minorities concerned. What further assurances the Congress can give to the Sikhs, I fail to understand. . . . I ask you to accept my word and the Resolution of the Congress that it will not betray a single individual much less a community. If it ever thinks of doing so, it will only hasten its own doom. . . . I pray you, therefore, to unbosom yourselves of all your doubts. . . . What more shall I say ? What more can I say than this. ‘Let God be the witness of the bond that binds me and the Congress with you.’”

When further asked as to what may the Sikhs do in case of betrayal he said, the Sikhs could, in that case, take their *kirpans* in hand with perfect justification before God and man.

Eighthly, and lastly, in the month of July, 1947 the Hindu and Sikh members of the Punjab Legislative Assembly met at Delhi to pass a unanimous Resolution favouring partition of the country, in which Resolution occur the following words :

“In the divided Indian Punjab, special constitutional measures are imperative to meet just aspirations and rights of the Sikhs.”

It is these very Hindus of the Punjab, who, with the ready aid of the Government of India leaders, even when their understanding was not qualified to keep pace with the wishes of their heart, adopted every conceivable posture and shrank from no stratagem to keep Sikhs permanently under their political heel, first, by refusing to form a Punjabi-speaking State in which the Sikhs might acquire political effectiveness, and second, by falsely declaring that Panjabi was not their mother tongue.

The Bill before the House is a calculatedly forged link in the chain, the story of which I have just narrated. When in 1950, the present Constitution Act of India was enacted, the accredited representatives of the Sikhs—the Shiromani Akali Dal—declared vehemently and unambiguously in the Constituent Assembly that,

“the Sikhs do not accept this Constitution ; the Sikhs reject this Constitution Act.”

Our spokesmen declined to append their signatures to the Constitution Act as a token of this clear and irrevocable rejection.

I will, for want of time, skip over the story of the Sikhs' sufferings during the last 18 years in an Independent India under the political control of political and anglicised Hindus, and will merely refer to the reply which Pandit Jawaharlal Nehru gave to Master Tara Singh in 1954, when the latter reminded him of the solemn undertaking previously given to the Sikhs on behalf of the majority community. Pandit Jawarlal Nehru coolly replied, “The circumstances have now changed.”

If there is one thing that the Sikhs know too well, it is that now the circumstances have changed !

Let us now briefly examine the immediate ancestry of the present Bill. It was on 21st March, 1966 that the Minister of Home Affairs set up a Commission presided over by a Supreme Court Judge, requiring the Commission, firstly, to examine existing boundaries of Hindi and Punjabi regions of Punjab to set up Punjab and Haryana States ; secondly, by applying linguistic principles as they have resulted in the 1961 census figures ; and thirdly, to determine boundaries that do not involve breaking up of tehsils. All these three guidelines given to the Commission by the Government of India are found to be, when they are properly examined by people who understand the realities of our politics, heavily loaded against the Punjab State, and have the effect of reducing Sikhs to even more political ineffectiveness than at present. Nor has the Shah Commission failed to take full advantage of instruments of discrimination thus placed in their hands by the Government of India. They have, firstly, arbitrarily truncated and reduced, as much as they could, the existing Punjabi region, and secondly, applied all principles of demarcation with a left-handed justice—made use of a principle where it could harm the Punjab and not used it where it could harm the resultant territorial interests of Haryana or Himachal Pradesh. For instance, Dalhousie has been taken out of Punjab and given to Himachal because it is hilly, while Morni which is of a higher altitude than Dalhousie has been taken away to be bestowed on Haryana, because its residents are Hindus, which is the same thing as saying that they are Hindi-speaking.

Thus, this story goes on and every conceivable stratagem has been adopted, through truncating its areas, through divesting it of its utility undertakings in public sector, and through neutralizing its limbs of governmental apparatus and by robbing it of its capital city, and by forging the so-called common links, to reduce the Punjab State into a glorified Zila Parishad, and to achieve these sordid and unedifying objectives, the Judiciary has been made use of.

Madam Chairman, permit me to say that if there is one political crime greater than any other, the ruling party has committed

during the post-Independence era, it is frequent employment of Judiciary for quasi-political purposes, and the result is that the Working Committee of the Shiromani Akali Dal has passed a Resolution on the 20th July, 1966, which reads :

“AFTER HAVING CAREFULLY VIEWED the findings, the reports and judgements of judicial and quasi-judicial Tribunals and Forums that have dealt with matters and cases involving important Sikh interests, COMES TO THE CONCLUSION, that the entire judicial machinery and the judicial process of the Independent India, under influences of certain section of political Hindus, is prejudiced and has been perverted against the Sikh people in India in relation to their just and legal rights.”

Madam Chairman, here, it might be honestly asked, and I am sure there must be many honest Members in this House, who might wish to ask the question as to what is this tiresome talk this man is talking about—the Sikhs’ interests in a secular, democratic India ; where is the question of the Sikhs being discriminated against. There are no Sikhs or Hindus in a democratic secular set-up, and the Constitution has already established it in this country. To this, I can give a very simple reply. Constitutional provisions are not the same thing as day-to-day political realities. As for the democracy, its form is one thing and its substance is quite another thing. Those who equate them are treacherous without art and hypocrites without deceiving. The *Mundukopanishad*, our ancient scripture, tells us that *Samsard* is the manifestation of four modifications of Self, the Atma, and is called as, *caturpead*. Likewise, a modern State, that is, the Government, has four estates : the Parliament, the Executive, the Judiciary and the Press. The concrete realities of these four alone can furnish an acid test as to whether the Sikh problem in India is a real problem or not.

To the executive and the judiciary, reference has already been made by me. I now propose to make a reference to Parliament, this august House, which is deserving of our highest respect, as its dignity is the dignity of the people of

India and hence inviolable. Nevertheless, the Sikhs are aware that under the existing constitutional arrangements, they cannot send more than a couple of their own representatives to the Parliament and even they may not always be heard freely. How many times has it happened in this House, in the recent past, that particular Members of the minority communities have been made aware, in no uncertain manner that they must not—must never say this thing or that, or else a hearing might be denied them. How many times the disciplinary wrath of the House has fallen on individuals, without hearing them and without letting them subsequently submit that their punishment was not in order?

And, lastly, the Press. We have a free Press here and a lively and impartial Press—on the whole. But, what is it like when it comes to dealing with Sikhs, that is, politically vocal Sikhs or questions largely concerning the Sikhs? In the days of his clash with Beaverbrook, Baldwin said of the Press:

power without responsibility, the privileges of harlots throughout the ages."

And, I say no more. I have said enough to explain the background of the Resolution No. 2 of the Working Committee of the Shiromani Akali Dal passed on the 20th July, 1966, wherein occur the following passages in relation to the scope of this Bill:

"SIKHS RESOLVE AND PROCLAIM their determination to resist, through all legitimate means, all such attempts to devalue and liquidate the Sikh people in a free India, and consequently,

DEMAND that the following steps should be taken forthwith by the rulers of India to assure and enable the Sikhs to live as respectable and equal citizens of the Union of India, namely, FIRST the Sikh areas deliberately and intentionally cut off and not included in the new Punjab to be set up, namely, the areas of Gurdaspur District including Dalhousie, Ambala District including Chandigarh, Pinjore, Kalka and Ambala Sadder, the entire

Una Tehsil of Hoshiarpur District, the areas of Nalagarh, called Desh, the Tehsil of Sirsa, the sub-Tehsils of Tohana and Guhla, and Rattia Block, of District Hissar, Shahbad block of District Karnal, and the contiguous portion of the Ganganagar District of Rajasthan must now be immediately included in the new proposed Punjab so as to bring all contiguous Sikh areas into an administrative unit, to be the Sikh Homeland, wherein the Sikh interests are of special importance, within the Union of India, And

SECOND, such a new Punjab should be granted an autonomous constitutional status on the analogy of the status of Jammu and Kashmir as was envisaged in the Consitution Act of India in the year 1950.

I am coming to a close. Madam, on behalf of the Sikh people represented by the Shiromrni Akali Dal, I reject the entire schemata of this Bill, and oppose it. I call upon the Government to take necessary legislative measures to solve the problem of Punjab in the light of the Resolution of the Shiromani Akali Dal, just referred to.

APPENDIX 46

PUNJAB BOUNDARY COMMISSION REPORT

RECOMMENDATIONS

131. In recommending adjustment of the boundary, due consideration must undoubtedly be given to the effective maintenance of irrigation and power distribution systems. The proposed division of the State of Punjab necessitates division of the irrigation and power distribution systems, and that must be done keeping in mind the paramount purpose of ensuring linguistic homogeneity. The points of division suggested by the Chief Engineer (Projects) which may avoid serious

dislocation of the irrigation system is to fix the boundary line at certain points indicated by him, but acceptance of the scheme would completely upset the principle of linguistic homogeneity. Another Engineer suggested that the canal systems should be located intact, canal by canal, in the State they serve and not cut, particularly not towards or near the tail ends, for the effect of such cutting on the inhabitants depending on canal irrigation in the tail end areas of another State may result in serious consequences. He said that if it is not at all practicable to leave the whole canal system in one State, the division should be at only those points from below which fairly high discharge still flows, so that satisfactory distribution of water to cultivators served by the irrigation canals beyond these points may be ensured. He then suggested that in respect of the Upper Bari Doab Canal from Ravi river, the Eastern Canal from Beas River and Sirhand Canal no division was necessary. He suggested that division of the Bahakra Main branch should be made at certain points near Tohana. About Narwana Branch, he suggested that a suitable point for division could be at Tangri south of Ambala. He also said that electric power supply Grids should be cut, if necessary, at certain fixed points to ensure that no untoward result would ensue therefrom, and since there were two Grids in Punjab (i) 132000 Volts Jogindernagar, Amritsar, Ludhiana, Rupar and Bhakra Grid and (ii) 220000 Volts Bhakra, Ganguwal, Kotla, Dhulkot, Panipat and Delhi Grid, to ensure effective supplies to consumers it would be advisable to retain the first Grid in one State as a whole and to divide the second Grid at any of the sub-stations Ganguwal, Kotla, Dhulkot or Panipat. He suggested that division at any other point will greatly complicate the supplies of power to the State for which the control of the Grid line is in other hands. These suggestions which contain several alternatives may also seriously upset the linguistic principle.

132. The Chief Engineer, Electricity Board, was of the view that the proposed reorganisation of the present State of Punjab was likely to create serious impact on the future set up of the Punjab State Electricity Board, and recommended that Joint Electricity Board with separate Chief Engineers for Distribution System for the consuming States and a common

organisation for planning, execution and operation of major works, (not covered by Distribution System) should be constituted. In his opinion, broadly speaking, there should be a common Board with subjects like generation, transmission works, their planning, design, procurement, execution, research and operation etc. under Central Agencies, and distribution workers and their operation should be dealt with by respective Chief Engineers who would be *ex officio* members of the Board, but responsible to the respective States for carrying out the works according to the budget requirements. The Joint Board as proposed, in the view of the Chief Engineer, would meet all the technical requirements of the Region and be in the interest of co-ordinated power development and power consumption, and meet the regional interests of the respective States.

133. The sources of water supply and power lie in a majority of cases within the hilly areas of Himachal Pradesh, and the beneficiaries of water and power will hereafter in respect of some channels of supply, be the Punjabi-speaking, the Hindi-speaking States, Delhi and Rajasthan. Though Himachal Pradesh derives no direct irrigation benefit from the waters of the rivers having their sources in its territory, its claim to have a voice in the maintenance of reservoirs, disposal of waters and distribution of power cannot be ignored.

134. A legalistic approach to a complex problem on the just solution of which depends the prosperity of many territorial units, would be impermissible. Having carefully considered the problem, we are of the view that constitution of Joint Boards, one for Irrigation and another for power, of the beneficiary States and the State which is the source of supply of water and power, having authority to lay down policies and execute them, consistently with the legitimate need of the State concerned, under the supervision of the Central Government may be a practical solution of the problem raised by the division of the territory into separate units in which the canal and power supply lines are situate.

135. We recommend that :

1. (i) The Districts Simla, Kulu, Kangra, Lahaul-Spiti;
(ii) Development Blocks Gagret, Amb and Una (excluding the village Kherabagh, Samipur, Bhabhaur and Kalseh and village Kosri from Tehsil Una (District Hoshiarpur);
(iii) Tehsil Nalagarh (District Ambala);
(iv) Enclaves Dalhousie, Balun and Bukloh in Chamba District which are hill areas and have cultural affinity with the people of Himachal Pradesh; should be merged with Himachal Pradesh.
2. That Districts Gurdaspur (excluding Dalhousie, Balun and Bukloh), Amrisar, Kapurthala, Jullundur, Ferozepore, Bhatinda, Patiala, Ludhiana, and Tehsils Barnala, Malerkotla and Sangrur (District Sangrur), Tehsil Rupar (District Ambala), Tehsils Dasuya, Hoshiapur and Garhshankar, and Development Bolocks Anandpur, Nurpurbedi and villages Kherabagh, Samipur, Bhabhaur and Kalseh from Una Block and village Kosri in Una Tehsil will form the Punjabi-speaking State; and
3. That District Hissar, Mohindergarh, Gurgaon, Rohtak and Karnal, and Tehsils Narwana and Jind (District Sangrur) and Tehsil Kharar (including Chandigarh Capital Project), Naraingarh Ambala, and Jagadhri will form the Hindi-speaking State.

Adjustments of the boundaries of the three States should be made on the division of territory as set out.

136. In conclusion we would like to make a few general observations.

Agitation for setting up separate linguistic States in the territory of Punjab raised its head more than 18 years ago, it is unfortunate that strong passions have been aroused on that problem. The Punjab has been at the forefront among the State of India in war and peace. It has been the sword arm of the country in times of war; and in times of peace it has led all other States in agricultural production, and parts of the State are humming with small scale industry. We fervently hope that after the dust of conflict has settled, the people of Punjab to whichever State they belong will in healthy rivalry

achieve higher targets of production, agricultural and industrial, and bring about all-round prosperity and contribute to a higher standard of living for all our people. The people of Punjab share the common aspirations and ideals with the rest of our people, and we trust that nothing will be done in either State to prejudice the linguistic preferences of the minorities residing within their territory. It is on the cultivation of a tolerant attitude towards the claims of others within the constitutional framework that democracy flourishes, and we share the optimism with many others that the people of Punjab will maintain the democratic ideal.

31-5-1966.

Sd/- (J.C. SHAH),

Chairman,

Punjab Boundary Commission

*Sd/- (S. DUTT),

Member,

Punjab Boundary Commission

Sd/- (M.M. PHILIP).

Member,

Punjab Boundary Commission

*Subject to my note on Kharar-Chandigarh.

Sd. S. DUTT.

NOTE ON KHARAR-CHANDIGARH

I regret that I am unable to agree with the recommendations which my colleagues propose to make about Kharar tehsil including Chandigarh. In my view, Kharar tehsil as a whole, with the exception of Kalka Police Station, should be merged with the proposed Punjabi State; the area of Kalka Police Station should be merged with Himachal Pradesh. I give my reasons below :

2. Kharar is a tehsil of Ambala district with a total population of 332,361 according to the 1961 Census, of whom 183,452 (55.2 per cent) are Hindi-speaking and 148,908 (43.9 per cent) are Punjabi-speaking. The total rural population of the tehsil is 200,425 of whom 112,723 (56.2 per cent) are Punjabi-speaking and 86,777 (43.3 per cent.) are Hindi-speaking. The urban population totals 131,936—15.1 per cent Punjabi-speaking and 73.3 per cent Hindi-speaking. The majority of the urban population belong to Chandigarh Capital Project area (89,000). The other three towns are Kharar with a population of 8,216, Kurali (6,390), Manimajra (9,901) and Kalka (18,668). It will thus be seen that while in the whole of Kharar tehsil the Hindi-speaking people are in a majority (55.2 per cent) in the rural areas the Punjabi-speaking people hold the majority (56.2 per cent.).

3. Under the Sachar Formula of 1949 Kharar tehsil was placed in the Punjabi region. It did not then include Pinjore Police Station which in 1961 had a population of 28,635. Pinjore, which formerly formed part of the Pepsu, was included in the Kharar tehsil after Pepsu's merger with the Punjab. Under the Punjab Regional Committees Order, 1957, Chandigarh was made bilingual and therefore it was not included either in the Punjabi-speaking or in the Hindi-speaking region. The rest of the Kharar tehsil was divided between the two regions. Indeed, Kharar is the only tehsil in Punjab which was divided between the Hindi and the Punjabi regions under the Regional Committee Order. The Hindi area of tehsil Kharar consists of 17 villages in Zail Mubarakpur and the areas of the Pinjore Police Station and Kalka Police Station; the rest of the tehsil exclusive of the Chandigarh Capital Project area forms part of the Punjabi-speaking region. Both the language areas of the tehsil are contiguous with the Chandigarh capital, but it appears that the latter is surrounded on three sides by the areas included in the Punjabi region and on the remaining side on the south-east by the area included in the Hindi region. A further point need to be mentioned. Although Chandigarh Capital Project is bilingual for the purpose of election of the Legislative Assembly it forms part of the Chandigarh Assembly Constituency. This Constituency includes, besides Chandigarh, the area of the Kharar

tehsil in the Punjabi region. One consequence of the constitution of the Chandigarh Assembly Constituency in this manner is that the Member of the Assembly representing this Constituency sits with the Regional Committee for the Punjabi region. It is clear, however, from the First Schedule of the Punjab Regional Committees Order, 1957, that the arrangement is to last only so long as Chandigarh Capital Project does not become a full-fledged constituency on the strength of its own population.

4. It is not known on what basis Kharar tehsil was included entirely in the Punjabi-speaking region under the Sachar Formula in 1949 and was later divided between the Hindi and Punjabi regions under the Punjab Regional Committees Order of 1957. Language figures of the respective areas were not available in 1949 or 1956-57. Census Reports of 1961 do not contain language figures for areas less than a tehsil in size.

5. Under the terms of its reference the Commission in recommending adjustments of boundaries of the Punjabi and Haryana State are enjoined to ensure that ordinarily an existing tehsil should not be broken up. However, this restriction could not strictly apply to the Kharar tehsil which already stands divided between the two linguistic regions. Accordingly it may be considered whether in the final demarcation of boundaries of the Punjabi State and the Haryana State the present line of demarcation between the Hindi-speaking and Punjabi-speaking areas can be disturbed. Any such proposal would encounter an immediate difficulty. What is to happen to Chandigarh? The Commission's terms of reference preclude any recommendation that a particular area should be bilingual. Chandigarh cannot therefore remain bilingual and has to be merged either with the Hindi-speaking State or with the Punjabi-speaking State. And since Chandigarh is part of the Kharar tehsil, it has to form part of either the Hindi-speaking area of the tehsil or of the Punjabi-speaking area, if the tehsil area is to be divided between the two new States.

6. In considering the merger of Chandigarh with either area of the tehsil and indeed in considering the merger of the tehsil as a whole, the future of Chandigarh as a capital will have to be borne in mind. Under Sub-Section (1), Section 3 of the Punjab New Capital (Periphery) Control Act, 1952, the

Governor of Punjab has declared 282 villages of Kharar tehsil, 17 villages of Nararingarh tehsil, 8 villages of Sirhind tehsil and 67 villages of Rajpura tehsil as controlled areas for the purposes of the Act. Within this controlled area a number of restrictions have been imposed on the construction of buildings so that the future expansion of Chandigarh would not be hampered. Chandigarh is yet in a process of development and in demarcating the boundary of the two new States, regard must be paid to possibilities of future expansion of the Chandigarh Capital Project, for, to whichever State Chandigarh is allotted, it is bound to be the capital of the State. Having regard to the geographical situation of Chandigarh, it is obvious that the development of Chandigarh would be seriously hampered if the present line of division of the Kharar tehsil were to be maintained as the boundary between the two new States. There is, therefore, no escape from the conclusion that Kharar tehsil inclusive of Chandigarh Capital Project area should not be divided between the Punjabi and Haryana States.

7. We have next to consider the merger of Kharar tehsil as a whole. It has been urged on behalf of the Shiromani Gurdwara Parbhandhak Committee and other protagonists of the Punjab State that the majority of the population of Chandigarh is floating with no permanent attachment to the capital and the 1961 linguistic composition of the population of Chandigarh should not determine the permanent merger of Kharar tehsil including Chandigarh with one State or the other. The Commission's attention has been drawn to the figures in the Census Report of India 1961, Vol. XIII, Punjab Pt. II, (P) (i). According to these figures, out of the total population of Chandigarh 34,149 were workers and 54,172 were non-workers or dependents of the workers. The distribution of these workers is as follows :—

Construction	9,997
Transport	1,479
Other Services	16,914
Trade and Commerce	2,625

It is urged that the persons employed in the construction of the capital or in Government and other services should not be treated as permanent residents of Chandigarh. Leaving out trade and commerce, the total number of persons in the first three categories is 28,390. On a proportionate basis the non-workers connected with these categories are nearly 42,000. If this number were to be left out of account altogether and the Hindi and Punjabi percentages of the urban population of Kharar were to be applied to the balance of such population (132,000—70,000 *i.e.* 62,000) the number of Hindi-speaking and Punjabi-speaking population of Kharar tehsil as a whole would be as follows :

Hindi-speaking	
Rural	86,777
Urban (balance)	47,500
	<hr/>
	134,277
Punjabi-speaking	
Rural	112,723
Urban (balance)	15,500
	<hr/>
	128,223

The two linguistic groups would then be almost evenly balanced in strength.

8. A calculation on this basis would not be entirely accurate. There is no definite evidence as to the origin or home/districts of the workers in the aforementioned categories, nor is it possible to say that all such people are temporary residents of the capital. However, it is common knowledge that the construction Workers usually come from Rajasthan and other non-Punjabi-speaking areas and it would be reasonable to presume that they and their dependents form a part of the purely temporary population of Chandigarh. Similarly, the assumption that a proportion of the population employed in Government and other services is non-permanent would also be valid. On the whole, therefore,* if the floating population

of Chandigarh is left out of account, the difference between the number of Hindi-speaking people and the number of Punjabi-speaking people in Kharar tehsil will be greatly reduced.

9. Chandigarh is a developing capital and its population has not been integrated with the population of the surrounding rural areas of the tehsil or district in the same manner as, say, population of Ambala, Jullundur and Patiala and other large towns has been with the population of neighbouring rural areas. I therefore think that on this ground also there is some justification for disregarding the non-permanent residents of Chandigarh in considering its merger with one of the two new States.

10. Chandigarh is at one end of the Hindi-speaking region and is connected with the rest of the region by a highway which passes in the immediate south through the Punjabi State. It is also connected by rail with the Hindi region in the south. On the other hand, Chandigarh is connected with the principal towns of the Punjabi State by a network of good roads. The rest of the Ambala district which is to fall within Haryana State is contiguous to Kharar tehsil only through the Morni hills of Naraingarh and it would be difficult to establish a good road communication between Haryana districts in the south and Chandigarh without passing through the Punjabi State in the immediate vicinity. While it is true that national highways in India cannot be confined within the limits of a single State and there is no reason to think that the Punjabi State would impose unfair restrictions on communication of Chandigarh with the Haryana State, there can be little doubt, I think, that Chandigarh is more centrally situated with respect to the Punjabi State than with respect to the Haryana State.

11. Several arguments have been adduced on both sides in favour of Chandigarh's merger with either the Punjabi State or the Haryana State. The protagonists of the Punjabi State urge that Punjab has lost its capital at Lahore and should not be deprived of its new capital at Chandigarh. In reply to this argument it is only fair to say that Lahor was lost not to the Punjabi-speaking people only of the present Punjab State but to the people of Punjab State as a whole, irrespective of the language they might speak. On behalf of the protagonists of

Haryana State it was contended that Punjabi State has a number of large towns e.g., Patiala, formerly the capital of Patiala State and later of the Pepsu Union; Kapurthala Jullundur, Amritsar, etc., where a new capital could be easily established. There is no such town of similar size or importance in the Hindi region and if Chandigarh is not merged with Haryana the new Haryana State would find it extremely difficult to function. It has also been urged by the same protagonists that if Chandigarh is merged with Haryana, the two States will each have a fair share of the existing Universities, Medical and Engineering Colleges, Law Colleges, Arts and Science Colleges and High Schools and Higher Secondary Schools etc. Otherwise, Haryana would start with serious handicaps in respect of education, medical and other facilities. I doubt, however, whether in recommending adjustments in the boundary of the proposed Punjabi and Haryana States, the Commission would be justified in considering factors of this kind.

12. On a balance of the considerations mentioned above, I would recommend that the whole of Kharar tehsil minus Kalka Police Station but including Chandigarh should be merged with the Punjabi State.

13. Kalka Police Station is contiguous with Simla district. Kalka town provides the main gateway to the Himachal Pradesh for the rest of India and the economy of the township and surrounding area is closely connected with that of Himachal Pradesh. 73.2 per cent of the Kalka urban area is Hindi-speaking and there is no doubt about the linguistic affinity of Police Station Kalka with that of Himachal Pradesh. Large sections of population in Kalka and the adjoining areas of Himachal Pradesh have a common cultural background. The area of the Police Station is situated in the sub-mountain area of the hills comprising the Simla district of Punjab and it can be regarded, to all intents and purposes, as a hill area. It seems to me eminently fair, to the interest of administrative convenience and economic well being of both Himachal Pradesh and Kalka area that the Police Station Kalka should be merged with Himachal Pradesh for this purpose the detachment of the Police Station from the rest of Kharar tehsil would be justified. I recommend accordingly.

14. If Chandigarh is merged with the Punjabi State, Haryana will be faced with the immediate problem of finding a capital or headquarters from which the new Government can function. It is for serious consideration whether for the first year or so in any case Chandigarh might not serve as the joint capital of the two States by mutual agreement among the parties concerned.

Sd/- S. Dutt

Member

May 31, 1966.

Punjab Boundary Commission

APPENDIX 47

S. KAPUR SINGH'S SPEECH IN PARLIAMENT ON DEMARCATIION OF PUNJABI SUBA

EXCERPT FROM A SPEECH DELIVERED ON APRIL 27,
1966, ON THE MOTION ON DEMANDS FOR GRANTS,
MINISTRY OF HOME AFFAIRS

SHRI KAPUR SINGH : Chapter III of the report is headed 'Political', in which there is sub-para at page 60 which relates to the setting up of a Punjabi-speaking State. Para 51 of the report on the subject is naturally not up to date for it could not contain a reference to the latest step in the process, which is the announcement made a few days ago here, that is, on the 18th April, 1966 about the setting up of a demarcation agency on the basis of 1961 census figures on language. This latest step in the process was, preceded, as this House knows, and as we know, by the Cabinet Committee formed on the subject which came to the conclusion that a Punjabi speaking State should be carved out of the existing Punjab. It was followed by the Report of the Parliamentary Committee on the Punjabi Suba which recommended *inter alia* the conversion of the Punjabi region, specified in the First Schedule to the Punjab Regional Committees Order, 1957. The last step—I am referring to the announcement of the 18th April—namely the announcement, would seem to bypass the well-considered recommendations of the Parliamentary Committee,

and in a way, also bypass the Presidential determination of the issue made in 1957, both of which decisions had found a large measure of acceptance by the public and politicians.

The question of interest here is as to how the latest announcement of the 18th April spells out the future of the Punjabi Suba which is going to be established as a result of so much that has happened in the country during the last fifteen years. There is no time to go into any elaborate arguments or details, but certain basic facts must be brought on record. These basic facts are : (a) No honest student of Indian politics will deny that the basic group in Indian politics and in Indian history has been and is the communal group, the group congealed into an entity by history and other circumstances, and (b) No well-informed politician can be ignorant of the fact that during the past decades language in this country has been the banner for political power and security for the communal group and it is not accepted as an objective demographic characteristic. That is why in the pre-partition days as well as now Government authorities have had to discard and disregard, more than once, the linguistic statistics obtained during the census operations as non-objective and false. It happened in 1939 in the United Punjab, and it happened in 1950, after the partition, in respect of the North of India.

The 1961 census figures on language in Punjab reflect the power relations between Hindus and Sikhs, and do not reflect the numbers of Hindi-speaking and Punjabi-speaking groups.

No special pleading or casuistry can obliterate this fundamental fact. These figures of 1961 census do not relate to linguistic groups, but they relate to communal group.

SHRI A.P. SHARMA (Buxar) : No, no.

SHRI KAPUR SINGH : This can only be denied either through ignorance or through lack of the honesty. Anybody who knows the facts knows what I am saying is true.

Any attempt to carve out a unilingual Punjabi State by making these linguistic figures as the basis, can only result in carving out a Sikh area out of the existing Punjab which forms a political quarantine for the Sikhs in India.

Whatever the protestations and pretexts — and protests have already started coming in from some Members of the House — the net result of this kind of demarcation can only be a communal and not a linguistic administrative arrangement within a secular Indian nation. Whatever else may be the consequences of such an arrangement, it cannot lead to an integrated, coherent and pacified region in the North of India. It can only lead to sharpening of the communal confrontations which we loudly pretend to disown and eschew.

It can lead to the type of dishonesty or ignorance which the hon'ble Member for Amroha exhibited in his speech on the 15th March, 1966, in the debate on the General Budget. He said, while referring to the decision for setting up a Punjabi State, that it was tantamount to raising of a "bogey". I have looked into the dictionary and the meaning of the word is, "the devil". He spelt out this "devil" by saying that :

"There are districts in the Punjab which are predominantly Hindi-speaking. There are other districts which are predominantly Punjabi-speaking. In the middle the population is mixed, speaking both Hindi and Punjabi."

"How are you going to divide this State" he sanctimoniously asks.

What he means — with his tongue in his cheek of course — is that whatever demarcations you make, the Hindus shall claim Hindi as their mother tongue and Sikhs alone shall be left out as champions of Punjabi and so, even the unilingual Punjabi State shall continue to be a bilingual State — a predicament the Sikhs want to avoid.

I ask the following questions plainly, and, therefore, I expect the Home Minister will give plain answers to them : Is the real purpose of accepting the 1961 census as the basis of demarcation of a Punjabi-speaking State that is, on paper, a unilingual Punjabi State? Or, is the real object merely to detach Chandigarh, Anandpur, Sahib, Bhakra and Pathankot the bridge-head to Kashmir, from a State in which the Sikhs might form a majority? Let there be clear answers to these questions.

The steps which are now being taken to demarcate a Punjabi State out of the existing Punjab — which, you, Sir,

recommended as the only just solution of the problem in North India in your ably written report—are in fact the steps which will lead to national disintegration. According to a Persian saying :

*tarsam keh b-kaba na rasi arabi birah
keh tu mi-ravi b-turkistan ast*

It means : “O pilgrim, I have grave doubts about your arriving at your destination, for the road you have taken leads elsewhere.”

It is possible that I may be misreading the intentions of the Home Ministry. It is possible that those who are responsible for this kind of demarcation of a unilingual punjabi State have something quite different in their minds. By using the secular context of our Constitution, they might, in fact, be trying to solve, what is called, the Sikh problem. It is possible that although they protest that they are carving out a Punjabi-speaking State, in their hearts they believe they are going to give the Sikhs some political arrangements wherein they can “breathe the air of freedom”. These are the words from a certain assurance given by our late Prime Minister, Shri Jawaharalal Nehru, in March 1947. If this is the case, then I would beg permission to place the whole matter in its clear and proper perspective.

It is necessary to understand a couple of fundamental propositions before this kind of approach to the Sikh problem can be evaluated.

The first proposition is that in the memorandum which the Akali Legislators of the Punjab Legislative Assembly submitted to the Parliamentary Committee on the Punjabi Suba, it is stated as follows in the last paragraph :

“The question of formation of a unilingual Punjabi Suba has nothing to do, whatsoever, directly with any political demands, rights or aspirations of the Sikhs, as a people, and its formation or otherwise does not affect the Sikh problem one way or the other, in any direct manner.”

This is very clear, very forthright, and a very unambiguous statement of the true position. By trying to solve the Sikh

problem by carving out a unilingual Punjabi State on the 1961 census figures, you will not either be meeting the case of the Sikhs or solving the Sikh problem, directly, one way or the other. If, therefore, this is the real object then it is not only a waste of time, but a misdirection of energy.

The second fundamental proposition which must be borne in mind in this context is that the Sikh problem or demand does not arise out of the provisions of the Constitution Act of India, but is of a more fundamental origin. The Sikh demand for having an area demarcated in the north of India where they can "also breathe the air of freedom" has its genesis in certain fundamental facts of the political evolution of its constitutional history. They are :

(a) A fundamental fact is that the basic political group has been and remains the communal, and not the secular political group, as is presumed by the framers of the Constitution of India.

(b) In the Statement of the Cabinet Mission of 1946, the Sikhs were recognized by the British Sovereign Power as the third Party entitled to inheritance of the British political sovereignty in India.

(c) In the Statement made by His Majesty's Government on 3rd June, 1947, the Sikhs were given the decisive voice to decide as to whether or not Punjab should be partitioned.

(d) The Sikhs exercised the right in favour of partition of the Punjab, to opt out for the Constituent Assembly of India in which the Centre was to have powers only on Finance, Communications and Defence.

(e) In March, 1947, Mr. Jawaharlal Nehru, as President of the All India Congress Party, gave a public undertaking to the Sikhs that an area in the North of India shall be carved out, in which "the Sikhs may also breathe air of freedom".

(f) In the Constituent Assembly of free India, however a Constitution was framed which repudiated the foregoing fundamental facts and undertakings.

(g) As a consequence, representatives of the Akalis to the Constituent Assembly, refused to append their signatures to the Constitution Act.

This is the true Sikh problem in its true perspective, and this, in fact, is the essence of the demand for a Punjabi Suba,

which was not meant to be equated with a unilingual Punjabi State. The term "Suba" is a Mughal administrative term which implies an autonomous State, such as the States of USSR, and the sub-State of Quebec in Canada.

This is the true and correct perspective of the Sikh problem and any attempt towards solving it in any underhand manner, by bringing in the 1961 census figures as the basis of a Punjabi-speaking State, cannot but lead to conflicts and frustrations more than it seeks to solve.

This is where, I would like to leave this matter. I beg of you to show me your customary indulgence so that I may finish my remarks. I will not take many minutes more.

SHRI HARI VISHNU KAMATH : If my learned friend will not mind a slight interruption, on a point of clarification I would like to know whether he identifies the proposed Punjabi Suba with a Sikh State. What is his attitude to this ? I do not think it was the Parliamentary Committee's stand at all that it should be a Sikh State.

SHRI KAPUR SINGH : I think I have clarified my point, and I will try to recapitulate it with a view to answer the question which has just now been raised. The position which I am trying to explain to this House is that the demand for a Sikh State is entirely a different demand in origin and content and the demand for a unilingual Punjabi State is an altogether different demand. Our Government, within the context of our constitution, is conceding the demand for a unilingual Punjabi State, but they are taking certain steps now, and I have referred to one step, namely the announcement of 18th April which might create an impression that by an underhand method an attempt is being made to meet the second demand while it is pretend that the first demand, namely the linguistic demand, is being met. I am, therefore, issuing a warning that this kind of procedure will lead to all kinds of troubles which would be harmful to the unity, integration and strength of this country, of this nation, to which I and all the other Sikhs are wedded.

SHRI HARI VISHNU KAMATH : Let us preserve and promote Hindu-Sikh unity at all costs, by all means.

SHRI KAPUR SINGH : I am entirely with the hon'ble Member that at all costs Hindu-Sikh unity should be promoted

and this is precisely the point I am trying to make out, that the Home Ministry, by their tactics, are trying to undermine that unity by creating an impression that they are carving out a Sikh quarantine State for the Sikh people. This will not do good at all to the country or the nation or the Hindus or the Sikhs. That is my point.

APPENDIX 48

S.G.P.C. DECLARES SIKHS A NATION

Proceedings of the General Committee of Shiromani Gurdwara Prabandhak Committee held on 29th March, 1981

Resolution No. 67 "Resolved that this General Meeting of the S.G.P.C. in view of the religious, political, historical and cultural background of the Sikhs, declares that the Sikhs are a separate and distinct Nation."*

APPENDIX 49

HOUSE OF LORDS JUDGEMENT

BRITISH HOUSE OF LORDS, HISTORIC JUDGEMENT

SIKHS ARE "ALMOST A RACE, ALMOST A NATION"

"No Turban" Ban By School Headmaster Against Sikh Boy Declared Unlawful

The British House of Lords ruled on March 24, 1983 that Sikhs are an "ethnic group, almost a race and almost a nation" and, therefore, entitled, to protection under the 1976 Race Relations Act. The five-man bench of the highest court in the land consisted of Lord Fraser of Tullybelton, Lord Edmond-Davies, Lord Roskill, Lord Brandon of Oakbrook, and Lord Templeman. It allowed the appeal of Commission for Racial Equality and of Sardar Sewa Singh

**Translated from the original in Gurmukhi by the author.*

Mandla whose son, Gurinder Singh, was refused admission to school by a Birmingham headmaster unless he gave up turban and cut his hair (Keshas) short to conform with the school uniform regulations. The judgement was pronounced by Lord Fraser, with which the other four Law Lords concurred. This is the full text of the historic judgement.

Lord Fraser of Tullybelton

My Lords,

The main question in this appeal is whether Sikhs are a "racial group" for the purposes of the Race Relations Act 1976 ("the 1976 Act"). For reasons that will appear, the answer to this question depends on whether they are a group defined by reference to "ethnic origins".

The appellants (plaintiffs) are Sikhs. The first appellant is a solicitor in Birmingham and he is the father of the second appellant. The second appellant was, at the material date, a boy of school age. The first respondent (first defendant) is the headmaster of an independent school in Birmingham called Park Grove School. The second respondent is a company which owns the school, and in which the first respondent and his wife are principal shareholders. In what follows I shall refer to the first respondent as the "respondent". In July 1978 the first appellant wished to enter his son as a pupil at Park Grove School, and he brought the boy to an interview with the respondent. The first appellant explained that he wished his son to grow up as an orthodox Sikh, and that one of the rules which he had to observe was to wear a turban. That is because the turban is regarded by Sikhs as a sign of their communal identity. At the interview, the respondent said that wearing a turban would be against the school rules which required all pupils to wear school uniform, and he did not think he could allow it, but he promised to think the matter over. A few days later he wrote to the first appellant saying that he had decided he could not relax the school rules and thus, in effect, saying that he would not accept the boy if he insisted on wearing a turban. The second appellant was then sent to another school, where he was allowed to wear a turban, and,

so far as the appellants as individuals are concerned, that is the end of the story.

But this first appellant complained to the Commission for Racial Equality that the respondent had discriminated against him and his son on racial grounds. The Commission took up the case and they are the real appellants before your Lordships' House. The case clearly raises an important question of construction of the 1976 Act, on which the Commission wishes to have a decision, and they have undertaken, very properly, to pay the costs of the respondent in this House, whichever party succeeds in the appeal. In the county court Judge Gosling held that Sikhs were not a racial group, and therefore that there had been no discrimination contrary to the 1976 Act. The Court of Appeal (Lord Denning M.R., Oliver and Kerr L.JJ.) agreed with that view. The Commission, using the name of the appellants, now appeals to this House.

The main purpose of the 1976 Act is to prohibit discrimination against people on racial grounds, and more generally, to make provision with respect to relations between people of different racial groups. So much appears from the long title. The scheme of the Act, so far as is relevant to this appeal, is defined in Part I what is meant by racial discrimination and then in latter Parts to prohibit such discrimination in various fields including employment, provision of goods, services and other things, and by section 17 in the field of education. There can be no doubt that, if there has been racial discrimination against the appellants in the present case, it was in the field of education, and was contrary to section 17 (a) which makes it unlawful for the proprietor of an independent school to discriminate against a person in the terms on which the school offers to admit him as a pupil. The only question is whether any racial discrimination has occurred.

Racial discrimination is defined in section 1 (1) which provides as follow :

A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if—

(a) On racial grounds he treats that other less favourably than he treats or would treat other persons; or

(b) He applies to that other a requirement or condition which he applies or would apply equally to person not of the same racial group as that other but —

- (i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of person not of that racial group who can comply with it; and
- (ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it applied; and
- (iii) which is to the detriment of that other because he cannot comply with it.

The type of discrimination referred to in paragraph (a) of that sub-section is generally called "direct" discrimination. When the present proceedings began in the county court, direct discrimination was alleged, but the learned judge held that there had been no direct discrimination, and his judgment on that point was not challenged in the Court of Appeal or before your Lordships' House. The appellant's case in this House was based entirely on "indirect" discrimination, that is, discrimination contrary to paragraph (b) of sub-section 1 (1). When the proceedings began the appellants claimed damages, but that claim was not pursued before this House. Having regard to section 57 (3) of the 1976 Act, it would have been unlikely to succeed. They now seek only a declaration that there has been unlawful discrimination against them contrary to the Act.

The case against the respondent under section 1 (1) (b) is that he discriminated against the second appellant because he applied to him a requirement or condition (namely, the "No turban" rule) which he applied equally to pupils not of the same racial group as the second respondent (*i.e.* to pupils who were not Sikhs) but is (i) which is such that the proportion of Sikhs who can comply with it is considerably smaller than the proportion of non-Sikhs who can comply with it, and (ii) which the respondent cannot show to be justifiable irrespective of the colour, etc. of the second appellant, and (iii) which is

to the detriment of the second appellant, because he cannot comply with it. As I have already said, the first main question is whether the Sikhs are a racial group. If they are, then two further questions arise. Question two is what is the meaning of "can" in paragraph (i) of sections 3 (1), and question three is, what is the meaning of "justifiable" in paragraph (ii) of that sub-section ?

Ethnic Origins

Racial group is defined in section 3 (1) of the Act which provides :

"Racial group means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls."

It is not suggested that Sikhs are group defined by reference to colour, race, nationality or *national* origins. In none of these respects are they distinguishable from many other groups, especially those living, like most Sikhs, in the Punjab. The argument turns entirely upon whether they are a group defined by "*ethnic* origins". It is therefore necessary to ascertain the sense in which the word "ethnic" is used in the Act of 1976. We were referred to various dictionary definitions. The Oxford English Dictionary (1897 edition) gives two meanings of "ethnic." The first is pertaining "to nations not Christian or Jewish; gentile, heathen, pagan". That clearly cannot be its meaning in the 1976 Act, because it is inconceivable that Parliament would have legislated against racial discrimination intending that the protection should not apply either to Christians or (above all) to Jews. Neither party contended that was the relevant meaning for the present purpose. The second meaning given in the Oxford English Dictionary (1897 edition) was "pertaining to race; peculiar to a race or "nation; ethnological". A slightly shorter form of that meaning Comitting "peculiar to a race or nation") was given by the Concise Oxford Dictionary in 1934 and was expressly accepted by Lord Denning M.R. as the correct meaning for the present purpose. Oliver and Kerr L.JJ. also accepted that meaning

as being substantially correct, and Oliver L.J. at [1982] 3 W.L.R. 1941 G said that the word "ethnic" in its popular meaning involved "essentially a racial concept—the concept of something with which the members of the group are born; some fixed or inherited characteristic". The respondent, who appeared on his own behalf submitted that that was the relevant meaning of "ethnic" in the 1976 Act and that it did not apply to Sikhs because they were essentially a religious group and they shared their racial characteristics with other religious groups, including Hindus and Muslims, living in the Punjab.

My Lords, I recognise that "ethnic" conveys a flavour of race but it cannot, in my opinion, have been used in the 1976 Act in a strictly racial or biological sense. For one thing, it would be absurd to suppose that Parliament can have intended that membership of a particular racial group should depend upon scientific proof that a person possessed the relevant distinctive biological characteristics (assuming that such characteristics exist). The practical difficulties of such proof would be prohibitive, and it is clear that Parliament must have used the word in some more popular sense. For another thing, the briefest glance at the evidence in this case is enough to show that, within the human race, there are very few, if any, distinctions which are scientifically recognised as racial. I respectfully agree with the view of Lord Simon of Glaisdale in *Ealing L.B.C. v. Race Relations Board* [1972] A.C. 342, 362, referring to the long title of the Race Relations Act, 1968 (which was in terms identical with part of the long title of the 1976 Act) when he said :

"Moreover 'racial' is not a term of art, either legal, or, I surmise, scientific. I apprehend that anthropologists would dispute how far the word 'race' is biologically at all relevant to the species amusingly called homo sapiens."

A few lines lower down, after quoting part of section 1 (1) of the Act, the noble and learned Lord said this :

"This is rubbery and elusive language—understandably when the draftsman is dealing with so unprecise a concept as 'race' in its popular sense an endeavouring to leave no loophole for evasion."

I turn, therefore, to the third and wider meaning which is given in the 1972 Supplement to the Oxford English Dictionary. It is as follows: "pertaining to or having common racial, cultural, religious, to or linguistic characteristics, esp. designating a racial or other group within a larger system". Mr. Irvine, for the appellant, while not accepting the third (1972) meaning as directly applicable for the present purpose, relied on it to this extent, that it introduces a reference to cultural and other characteristics and is not limited to racial characteristics. The 1972 meaning is, in my opinion, too loose and vague to be accepted as it stands. It is capable of being read as implying that any one of the adjectives, "racial, cultural, religious *or* linguistic" would be enough to constitute an ethnic group. That cannot be the sense in which "ethnic" is used in the 1976 Act, as that Act is not concerned at all with discrimination on religious grounds. Similarly, it cannot have been used to mean simply any "racial *or other* group". If that were the meaning of "ethnic", it would add nothing to the word group, and would lead to a result which would be unacceptably wide. But in seeking for the true meaning of "ethnic" in the statute, we are not tied to the precise definition in any dictionary. The value of the 1972 definition is, in my view, that it shows that ethnic has come to be commonly used in a sense appreciably wider than the strictly racial or biological. That appears to me to be consistent with the ordinary experience of those who read newspapers at the present day. In my opinion, the word "ethnic" still retain a racial flavour but it is used nowadays in an extended sense to include other characteristics which may be commonly thought of as being associated with common racial origin.

For a group to constitute an ethnic group in the sense of the Act, it must, in my opinion, regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. Some of these characteristics are essential; others are not essential but one or more of them will commonly be found and will help to distinguish the group from the surrounding community. The conditions which appear to me to be essential are these:— (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (2) a cultural tradition of its

own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition to those two essential characteristics the following characteristics are, in my opinion, relevant; (3) either a common geographical origin, or descent from a small number of common ancestors; (4) a common language, not necessarily peculiar to the group; (5) a common literature peculiar to the group; (6) a common religion different from that of within a larger community, for example a conquered people (say, the inhabitants of England shortly after the Norman conquest) and their conquerors might both be ethnic groups.

A group defined by reference to enough of these characteristics would be capable of including converts, for example, persons who marry into the group, and of excluding apostates. Provided a person who joins the group feels himself or herself to be a member of it, and is accepted by other members, then he is, for the purposes of the Act, a member. That appears to be consistent with the words at the end of sub-section (1) of section 3 :

“References to a person’s racial group refer to any racial group into which he falls.”

In my opinion, it is possible for a person to fall into a particular racial group either by birth or by adherence, and it makes no difference, so far as the 1976 Act is concerned, by which route he finds his way into the group. This view does not involve creating any inconsistency between direct discrimination under paragraph (a) and indirect discrimination under paragraph (b). A person may treat another relatively unfavourably “on racial grounds” because he regards that other as being of a particular race, or belonging to a particular racial group, even if his belief is, from a scientific point of view, completely erroneous.

Finally on this part of the arguments, I think it is proper to mention that the word “ethnic” is of Greek origin, being derived from the Greek word “ethnos”, the basic meaning of which appears to have been simply “a group” not limited by reference to racial or any other distinguishing characteristics—see Liddell & Scott’s Greek-English Lexicon (8th edition)

(Oxford 1897). I do not suggest that the meaning of the English word in a modern statute ought to be governed by the meaning of the Greek word from which it is derived, but the fact that the meaning of the latter was wide avoids one possible limitation on the meaning of the English word.

My Lords, I have attempted so far to explain the reasons why, in my opinion, the word "ethnic" in the 1976 Act should be construed relatively widely, in what was referred to by Mr. Irvine as a broad, cultural/historic sense. The conclusion at which I have arrived by construction of the Act itself is greatly strengthened by consideration of the decision of the Court of Appeal in New Zealand (Richmond P., Woodhouse and Richardson JJ) in *King-Ansell v. Police* [1979] 2 N.Z.L.R. 531. That case was discovered by the industry of the appellants' counsel, but unfortunately not until after the Court of Appeal in England had decided the case now under appeal. If it had been before the Court of Appeal it might well have affected their decision. In that case the appellant had been convicted by a magistrate of an offence under the New Zealand Race Relations Act 1971, the offence consisting of publishing a pamphlet with intent to incite ill-will against Jews, "on the ground of their ethnic origins". The question of law arising on the appeal concerned the meaning to be given to the words "ethnic...origins of that group of person" in section 25 (1) of the Act. The decision of the Court of Appeal was that Jews in New Zealand did form a group with common ethnic origins within the meaning of the Act. The structure of the New Zealand Act differs considerably from that of the 1976 Act, but the offence created by section 25 of the New Zealand Act (*viz.* inciting ill-will against any group of persons on the ground of their "colour, race, or ethnic or national origins") raises the same question of construction as the present appeal in a context which is identical, except that the New Zealand Act does not mention "nationality", and the 1976 Act does. The reasoning of all members of the New Zealand court was substantially similar, and it can, I think, be sufficiently indicated by quoting the following short passage. The first is from the judgment of Woodhouse J. at page 538, line 39 where, after referring to the meaning given by the 1972 Supplement

to the Oxford English Dictionary, which I have already quoted, he says this :

“the distinguishing features of an ethnic group or of the ethnic origins of a group would usually depend upon a combination, present together, of characteristics of the kind indicated in the Supplement. In any case it would be a mistake to regard this or any other dictionary meaning as though it had to be imported word for word into a statutory definition and construed accordingly. However, subject to those qualifications, I think that for the purposes of construing the expression ‘ethnic origins’ the 1972 Supplement is a helpful guide and I accept it.”

Richardson J. at page 542, line 51, said this :

“The real test is whether the individuals or the group regard themselves and are regarded by others in the community as having a particular historical identity in terms of their colour or their racial, national or ethnic origins. That must be based on a belief shared by members of the group.”

And at page 543, line 24, the same learned judge said this :

“...a group is identifiable in terms of its ethnic origins if it is a segment of the population distinguished from others by a sufficient combination of shared customs, beliefs, traditions and characteristics derived from a common or presumed common past, even if not drawn from what in biological terms is a common racial stock. It is that combination which gives them an historically determined social identity in their own eyes and in the eyes of those outside the group, they have a distinct social identity based not simply on group cohesion and solidarity but also on their belief as to their historical antecedents.”

My Lords, that last passage sums up in a way upon which I could not hope to improve the views which I have been endeavouring to express. It is important that courts in English-speaking countries should, if possible, construe the words which we are considering in the same way where they occur in the same context, and I am happy to say that I find no difficulty at all in agreeing with the construction favoured by the New Zealand Court of Appeal.

There is only one respect in which that decision rests upon a basis that is not fully applicable to the instant appeal. That appears from the long title of the New Zealand Act which is as follows :

“An Act to affirm and promote racial equality in New Zealand and to implement the International Convention on the Elimination of All Forms of Racial Discrimination.”

Neither the 1976 Act nor its predecessors in the United Kingdom, the Race Relations Act 1965 and 1968, refer to the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention was adopted on 7th March 1966, and was signed by the United Kingdom on 11th October 1966, subject to reservations which are not now material. It was not ratified by the United Kingdom until 7th March 1969—see Cmnd. 4108 (August 1969).

Under the Convention the States Parties undertook, *inter alia*, to prohibit racial discrimination in all its forms, and to guarantee the rights of everyone “without distinction as to race, colour, or national or ethnic origin” of equality before the law, notably in certain rights which were specified including education [Article 5(e)(v)]. The words which I have quoted are very close to the words found in the 1976 Act and in its predecessors in this country, and they are certainly quite consistent with these United Kingdom Acts having been passed in implementation of the obligation imposed by the Convention. But it is unnecessary to rely in this case upon any special rules of construction applicable to legislation which gives effect to international conventions because, for the reasons, already explained, a strict or legalistic construction of the words would not, in any event, be appropriate.

The respondent admitted, rightly in my opinion, that, if the proper construction of the word “ethnic” in section 3 of the 1976 Act is a wide one, on lines such as I have suggested, the Sikhs would qualify as a group defined by ethnic origins for the purposes of the Act. It is, therefore, unnecessary to consider in any detail the relevant characteristics of the Sikhs. They were originally a religious community founded about the end of the fifteenth century in the Punjab by Guru Nanak,

who was born in 1469. But the community is no longer purely religious in character. Their present position is summarised sufficiently for present purposes in the opinion of the learned county court judge in the following passage :

“The evidence in my judgment shows that Sikhs are a distinctive and self-conscious community. They have a history going back to the fifteenth century. They have a written language which a small proportion of Sikhs can read but which can be read by a much higher proportion of Sikhs than of Hindus. They were at one time politically supreme in the Punjab.”

The result is, in my opinion, that Sikhs are a group defined by a reference to ethnic origins for the purpose of the 1976 Act, although they are not biologically distinguishable from the other peoples living in the Punjab. That is true whether one is considering the position before the partition of 1947, when the Sikhs lived mainly in that part of the Punjab which is now Pakistan, or after 1947, since when most of them have moved into India. It is therefore, necessary to consider whether the respondent has indirectly discriminated against the appellants in the sense of section 1(1)(b) of the Act. That raises the two subsidiary questions I have already mentioned.

“Can Comply”

It is obvious that Sikhs, like anyone else, “can” refrain from wearing a turbun, if “can” is construed literally. But if the broad cultural/historic meaning of ethnic is the appropriate meaning of the word in the 1976 Act, than a literal reading of the word “can” would deprive Sikhs and members of other groups defined by reference to their ethnic origins of much of the protection which Parliament evidently intended the Act to afford to them. They “can” comply with almost any requirement or condition if they are willing to give up their distinctive customs and cultural rules. On the other hand, if ethnic means inherited or unalterable, as the Court of Appeal thought it did, then “can” ought logically to be read literally. The word “can” is used with many shades of meaning. In the context of section 1 (1) (b) (i) of the 1976 Act

it must, in my opinion, have been intended by Parliament to be read not as meaning "can physically", so as to indicate a theoretical possibility, but as meaning "can in practice" or "can consistently with the customs and cultural conditions of the racial group". The latter meaning was attributed to the word by the Employment Appeals Tribunal in *Price v. Civil Service Commission* [1977] 1 W.L.R. 1417, on a construction of the parallel provision in the Sex Discrimination Act 1975. I agree with their construction of the word in that context. Accordingly I am of opinion that the "No turban" rule was not one with which the second appellant could, in the relevant sense, comply.

"Justifiable"

The word "Justifiable" occurs in section 1 (1) (b) (ii). It raises a problem which is, in my opinion, more difficult than the problem of the word "can". But in the end I have reached a firm opinion that the respondent has not been able to show that the "No turban" rule was justifiable in the relevant sense. Regarded purely from the point of view of the respondent, it was no doubt perfectly justifiable. He explained that he had no intention of discriminating against Sikhs. In 1978 the school had about 300 pupils (about 75% boys and 25% girls) of whom over 200 were English, 5 were Sikhs, 34 Hindus, 16 Persians, 6 Negroes, 7 Chinese and 15 from European countries. The reasons for having a school uniform were largely reasons of practical convenience—to minimize external differences between races and social classes, to discourage the "competitive fashions" which he said tend to exist in a teenage community, and to present a Christian image of the school to outsiders, including prospective parents. The respondent explained the difficulty for a headmaster of explaining to a non-Sikh pupil why the rules about wearing correct school uniform were enforced against him if they were relaxed in favour of a Sikh. In my view these reasons could not, either individually or collectively, provide a sufficient justification for the respondent to apply a condition that is *prima facie* discriminatory under the Act.

An attempted justification of the "No turban" rule, which requires more serious consideration, was that the respondent

sought to run a Christian school, accepting pupils of all religions and races, and that he objected to the turban on the ground that it was an outward manifestation of a non-Christian faith. Indeed he regarded it as amounting to a challenge to that faith. I have much sympathy with the respondent on this part of the case and I would have been glad to find that the rule was justifiable within the meaning of the statute, if I could have done so. But in my opinion that is impossible.

The onus under paragraph (ii) is on the respondent to show that the condition which he seeks to apply is not indeed a necessary condition, but that it is in all circumstances justifiable "irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied;" that is to say that it is justifiable without regard to the ethnic origins of that person. But in this case the principal justification on which the respondent relies is that the turban is objectionable just because it is a manifestation of the second appellant's ethnic origins. That is not, in my view, a justification which is admissible under paragraph (ii). The kind of justification that might fall within that provision would be one based on public health, as in *Panesar v. The Nestles Company Ltd.* [1980] 1. R.L.R. 64, whether the Court of Appeal held that a rule forbidding the wearing of beards in the respondent's chocolate factory was justifiable within the meaning of section 1 (1) (b) (ii) on hygienic grounds, notwithstanding that the proportion of Sikh who could [sc. conscientiously] comply with it was considerable smaller than the proportion of non-Sikhs who could comply with it.

Again, it might be possible for the school to show that rule insisting upon a fixed diet, which included some dish (for example, pork) which some racial groups could not conscientiously eat was justifiable if the school proved that the cost of providing special meals for the particular group would be prohibitive. Questions of that sort would be questions of fact for the tribunal of fact, and if there was evidence on which it could find the condition to be justifiable its finding would not be liable to be disturbed on appeal.

But in the present case I am of opinion that the respondent have not been able to show that the "No turban" rule was justifiable.

Final Considerations

Before parting with the case I must refer to some observation by the Court of Appeal which suggest that the conduct of the Commission for Racial Equality in this case has been in some way unreasonable or oppressive. Lord Denning M.R. at page 939 merely expressed regret that the Commission had taken up the case. But Oliver L. J. at 943F-944B used stronger language and suggested that the machinery of the Act had been operated against the respondent as "an engine of oppression". Kerr L. R. at 950 B referred to notes of an interview between the respondent and an official of the Commission which he said read in part "more like an inquisition than an interview" and which he regarded as harassment of the respondent.

My Lords, I must say that I regard these strictures on the Commission and its official as entirely unjustified. The Commission has a difficult task, and no doubt its enquiries will be resented by some and are liable to be regarded as objectionable and inquisitive. But the respondent in this case who conducted his appeal with restraint and skill, made no complaint of his treatment at the hands of the Commission. He was specifically asked by some of my noble and learned friends to point out any part of the notes of his interview with the Commission's official to which he objected, and he said there were none and that an objection of that sort formed no part of his case. The lady, who conducted the interview on behalf of the Commission, gave evidence in the county court, and no suggestion was put to her in cross-examination that she had not conducted it properly. Opinions may legitimately differ as to the usefulness of the Commission's activities, but its functions have been laid down by Parliament and, in my view, the actions of the Commission itself in this case and of its official who interviewed the respondent on 3rd November 1978 were perfectly proper and in accordance with its statutory duty.

I would allow this appeal. The appellants have agreed to pay the costs of the respondent in this House and they do not seek to disturb the order for costs in the lower courts in favour of the present respondent made by the Court of Appeal.

Lord Edmund-Davies*My Lords,*

I have found this case unfortunate in several ways and by no means free from difficulty. But I have had the advantage of reading in draft form the speeches prepared by my noble and learned friends, Lord Fraser of Tullybelton and Lord Templeman. They are in conformity with the conclusion at which I had ultimately arrived, and I do not find it necessary or desirable to add any observations of my own. I therefore restrict myself to concurring that the appeal should be allowed.

Lord Roskill*My Lords,*

I have had the advantage of reading in draft the speeches prepared by my noble and learned friends, Lord Fraser of Tullybelton and Lord Templeman. For the reasons given in those speeches I too would allow this appeal.

Lord Brandon of Oakbrook*My Lords,*

I have had the advantage of reading in draft the speeches prepared by my noble and learned friends, Lord Fraser of Tullybelton and Lord Templeman. I agree with both speeches, and for the reasons which they give I would allow the appeal.

Lord Templeman*My Lords,*

The Race Relations Act 1976 outlaws discrimination in specified fields of activities against defined racial groups. The fields of activity, in which discrimination is made a criminal offence, are employment, education and the provision of goods, facilities, services and premises. Presumably Parliament considered that discrimination in these fields was most widespread and harmful. By section 3 of the Act the racial groups against which discrimination may not be practised are groups "defined by reference to colour, race, nationality

or ethnic or national origins". Presumably Parliament considered that the protection of these groups against discrimination was the most necessary. The Act does not outlaw discrimination against a group of persons defined by reference to religion. Presumably Parliament considered that the amount of discrimination on religious grounds does not constitute a severe burden on members of religious groups. The Act does not apply and has no reference to the situation in Northern Ireland.

The Court of Appeal thought that the Sikhs were only members of a religion or at best members of a religion and culture. But the evidence of the origins and history of the Sikhs, which was adduced by the parties to the present litigation, disclosed that the Sikhs are more than a religion and a culture. And in view of the history of this country since the second world war I find it impossible to believe that Parliament intended to exclude the Sikhs from the benefit of the Race Relations Act and to allow discrimination to be practised against the Sikhs in those fields of activity where, as the present case illustrates, discrimination is likely to occur.

Section 17 of the Race Relations Act 1976 makes it unlawful for the proprietor of a school to discriminate against a person in the terms on which the school offers to the school as a pupil. By section 1 (1) "A person discriminates against another . . . if—

" . . .

"(b) he applies to that other a requirement or condition which he applies or would apply equally to person not of the same racial group as that other but—

"(i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and

"(ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; . . ."

The respondents are only willing to admit the appellant Gurinder Singh to Park Grove School if he complies with the school rules. Rule 22 stipulates that "Boys' hair must be cut so as not to touch the collar . . ." As an orthodox Sikh Gurinder Singh must allow his hair to grow unshorn. Rule 20 requires boys to wear the school uniform. The method adopted by orthodox Sikhs for containing unshorn hair is the wearing of a turban; a school cap is useless for that purpose. Gurinder Singh says he cannot comply with Rules 22 or 20 because he is a Sikh and on his behalf it is argued that Sikhs constitute a racial group, being a group of persons defined by reference to ethnic origins. If the Sikhs do constitute a racial group within the Race Relations Act 1976 and cannot comply with Rule 22 or 20, whereas all non-Sikhs can comply with those rules, then the school is guilty of discrimination against the Sikh Gurinder Singh unless the respondents can show that Rules 22 and 20 are justifiable irrespective of the ethnic origin of Gurinder Singh.

In the course of the argument attention was directed to the dictionary definitions of the adjective "ethnic". But it is common ground that some definitions constitute the Sikhs a relevant group of ethnic origin whereas other definitions would exclude them. The true construction of the expression "ethnic origins" must be deduced from the Act. A racial group means a group of persons defined by reference to colour, race, nationality or ethnic or national origins. I agree with the Court of Appeal that in this context ethnic origins have a good deal in common with the concept of race just as national origins have a good deal in common with the concept of nationality. But the statutory definition of a racial group envisages that a group defined by reference to ethnic origin may be different from a group defined by reference to race, just as a group defined by reference to national origins may be different from a group defined by reference to nationality.

In my opinion, for the purposes of the Race Relations Act a group of persons defined by reference to ethnic origins must possess some of the characteristics of a race, namely group descent, a group of geographical origin and a group history. The evidence shows that the Sikhs satisfy these tests. They are more than a religious sect, they are almost a race and

almost a nation. As a race, the Sikhs share a common colour, and a common physique based on common ancestors from that part of the Punjab which is centred on Amritsar. They fail to qualify as a separate race because in racial origin prior to the inception of Sikhism they cannot be distinguished from other inhabitants of the Punjab. As a nation the Sikhs defeated the Moghuls, and established a kingdom in the Punjab which they lost as a result of the first and second Sikh wars; they fail to qualify as a separate nation or as a separate nationality because their kingdom never achieved a sufficient degree of recognition or permanence.

The Sikhs qualify as a group defined by ethnic origins because they constitute a separate and distinct community derived from the racial characteristics I have mentioned. They also justify the conditions enumerated by my noble and learned friend Lord Fraser of Tullybelton. The Sikh community has accepted converts who do not comply with those conditions. Some persons who have the same ethnic origins as the Sikhs have ceased to be members of the Sikh community. But the Sikhs remain a group of persons forming a community recognisable by ethnic origins within the meaning of the Act. Gurinder Singh is a member of the Sikh community which qualifies as a racial group for the purposes of the Act.

I agree with my noble and learned friend that Gurinder Singh cannot comply with school rules without becoming a victim of discrimination. The discrimination cannot be justified by a genuine belief that the school would provide a better system of education if it were allowed to discriminate. I also agree that the Race Relations Board were under a duty properly to investigate the present complaint of discrimination and that their conduct was not oppressive.

I agree that the appeal should be allowed.

APPENDIX 50

MINORITY COMMISSION ON SIKH EDUCATIONAL INSTITUTIONS

ANNEXURE—XVI

(Ref. Chapter—V, para 5.43)

Extracts from the minutes of the 54th meeting of the Commission held on 3-5-1982

Item No. 20 :— Religious education in educational institutions

The Commission considered the various issues raised in the representation from Shri Sant Singh, Hony Secretary, Chief Khalsa Diwan, Amritsar and resolved as follows :

- (i) On the question of wearing kirpans by Sikh passengers on air flights the report of the Member, Gyani Sujan Singh was considered by the Commission and it was resolved that the report be forwarded to the Government for favourable consideration. The report of the Member Gyani Sujan Singh sets out the resolution already passed by the Minorities' Commission which has not been revoked. The Commission expressed the opinion that the misuse of kirpans by some misguided persons should not lead to a total and unqualified ban on wearing of kirpans during flights of Indian Airlines, as such a ban would be contrary to the provisions of Article 25 of the Constitution.

* * * *

Note recorded by Gyani Sujan Singh, Member on wearing of Kirpans by Sikh Passengers on Air India and Indian Airlines Flights.

At the meeting of the Minorities Commission held on 4th—7th August, 1981 decision on item 17 regarding violation of rights to wear Kirpans by Sikhs while travelling by Indian Airlines was taken as under :

“The Commission considered the matter and resolved that the Ministry of Civil Aviation should be addressed with a copy to Home Ministry stating that to prevent Sikhs from wearing Kirpans while travelling by Indian Airlines is a violation of expressed provision of Article 25 of the Constitution and, therefore, they may consider issuing suitable directions in this regard.”

2. The hijacking of I. A. Boeing on 29th September, 1981 by five misguided Sikh youths to Lahore was a heinous crime under National and International Law. All the Sikh organisations, Shiromani Akali Dal, Chief Khalsa Diwan, Shiromani Gurdwara Prabandhak Committee, Singh Sabhas throughout the country and the Sikh intelligentsia have strongly condemned this foolish act of the misguided youth who hijacked the plane, and demanded adequate punishment to them under the law.

3. There is a move to ban the wearing of kirpan by Sikhs on National and International flights by the Government. This move is causing strong resentment among all sections of the Sikhs as it is one of the religious symbols of Sikhs and under Article 25(2) Explanation I, of the Constitution of India “the wearing and carrying of kirpans” shall be deemed to be included in the profession of the Sikh religion.

4. The Minorities Commission had at its meeting held on 10th November, 1981 (*vide* item No. 4 of agenda) decided that Gyani Sujan Singh will examine the issue especially in the light of the recent hijacking of an Indian Airlines aircraft and give a report alongwith his views in the matter.

5. I have studied the problem thoroughly and have come to the conclusion that if ban is imposed on the wearing and carrying of kirpans by Sikhs on flights they would deem it an aggression on the profession and practice of Sikh religion and against the constitutional provisions. Therefore, I would recommend to the Commission that the Commission should send its recommendations to the Government that the Article 25, Explanation I of the Constitution as it stands today, should not be interfered with as the wearing and carrying of Kirpans

is included in the profession of the Sikh religion.

Secretary may please see for necessary action.

Sd/-Sujan Singh

Member

30-4-82

Secretary.

APPENDIX 51

MINORITY COMMISSION ON PUNJABI SETTLERS IN TERAJ REGION

ANNEXURE XVII

(Ref. Chapter V, para 5, 46)

*Minority Commission's press statement. Regarding eviction of
Punjabi Settlers in Terai Region, U.P.*

The attention of the Minorities Commission was drawn to a news article published in the Spokesman Weekly of 27th July, 1981 alleging that Punjabi settlers in the Terai region of U.P. were being threatened with eviction by the Government of U.P. Although no complaint was received by the Minorities Commission yet it took up the matter immediately with the Government of U.P. The Government of U.P. have reported that before 1947 the Terai region of Nainital was primarily inhabited by the Sch. Tribes who owned 2.28 lakh acres of land. Later on non-Sch. tribes settlers came to this region in large numbers. They were allotted either Government land or took unauthorised possession of Government land and obtained tenancy rights thereon subsequently. Some non-ST settlers in course of time either through benami transactions or forcibly took possession of lands belonging to the Sch. Tribes and obtained tenancy rights thereon. As a result, the total area of 2.28 lakh areas owned by Sch. Tribes in 1947, dwindled to 80,000 acres in 1969.

2. The Government of U.P. added Section 157-A in the U.P. Zamindari Abolition and Land Reforms Act, 1950 in June, 1969, with a view to ban transfers of land belonging to STs to Non-ST settlers without prior permission of the Collector. It was also provided that if transfers of such lands took place in violation of the above provisions, such land would vest in the Government who would be free to re-allot the same. In spite of these provisions, out of 80,000 acres of land left with the ST's at the time of the June 1969 amendment of the U.P. Zamindari Abolition and Land Reforms Act 1950, nearly 16,000 acres of land had been unauthorisedly occupied by non-ST persons, after the enactment.

3. On receipt of repeated complaints about the above activities of non-tribal settlers and with a view to save Sch. Tribes from further exploitation at their hands and to implement the directions and guidelines issued by the Ministry of Home Affairs and Planning Commission, the Government of U.P. issued an Ordinance in June, 1981 to secure the tenancy rights of the Sch. Tribes and to prevent unauthorised occupation of lands belonging to the Sch. Tribes.

4. The Ordinance of 1981 is a pre-emptive measure against the unauthorised occupation of 16,000 acres of land by non-tribals. The provisions of the tenancy law apply to any non-tribal without any distinction of religion, race, caste, language etc. and is not aimed against the Punjabi settlers alone as alleged. The allegation that Sikh Settlers are being forced to deposit their arms has also been reported to be baseless. The State Government have taken note that well to-do persons belonging to non-tribal communities, have been threatening and spreading misleading rumours against the Government and are accordingly taking the precautionary measures to avoid any untoward happenings.

5. From the report of the Government of U.P. there does not appear any cause of panic or threat to legally authorised non-tribal settlers, including Punjabi and Sikh settlers in the Terai region as only such of them as have unauthorisedly taken possession of lands belonging to the STs after June, 1969 irrespective of their caste, creed or religion would be liable to be evicted under the provisions of the 1981 Ordinance. However, the Minorities Commission would be prepared

to consider any genuine grievance against the State Government's action not in conformity with law.

APPENDIX 52

SACRED SIKH RELICS IN ENGLAND

SOME DOCUMENTS REGARDING SACRED SIKH RELICS IN ENGLAND

1. Secretary of State's Despatch No. 16 of 16 April, 1851

Political Department

Our Governor General of India in Council

1. We now reply to your letter in the Foreign department dated 25 March, No. 8 of 1985 and to the Governor General's letter dated 19th Dec., No. 597, 1850.

2. The Governor General states that with reference to our despatches in the Military department No. 6 of 1849 dated 1st May and No. 8 of 1849 dated 4th July, he has selected from the arms and armour in the Lahore Toshekhana four complete sets for transmission to England. He has selected for Her Majesty two best and most complete sets, adding portion of other sets which were remarkable for beauty or by some traditional history. Thus with other portion of the arms belonging to the great Maharaja, His Lordship has selected for Her Majesty the sword presented to Ranjeet Singh, by Holkar when that Chief met the "Maharaja at Amritsar on his retreat before Lord Lake's army."

3. On the arrival of these articles in England we shall take the necessary measures for delivering them to Majesty.

4.

5. There are several other articles on which our orders are requested, viz., ...

3rd. A set of arms including spear, etc., which Sikh traditions assert to have belonged to the Gooroo Gobind, "and of which it would in the Governor General's opinion be impolitic to allow any Sikh institution to obtain possession. The Governor General requested that if we are not desirous to

place these arms in our museum, he may be permitted to purchase them from the Toshekhana, but we have much pleasure in requesting the Marquis of Dalhousie to retain these articles with the exception of the sword, as a memorial of the great events in which His Lordship bore so important a part. The sword as having belonged to the founder of the Sikh nation we are desirous of placing in our Museum as an historical relic."

We are your affectionate friends,
Signature of 13 gentlemen members of
the Council of the Secretary of State.

London,
16th April, 1851.

2. *Orders :*

Requested the Board of Administration to send the Golden chair and the arms of the Gooroo to this Toshekana previous to my quitting Simla for Calcutta. Proper precautions should be taken for their safety.

A document certifying these arms and recording the facts or tradition established regarding the sword be forwarded at the same time in triplicate, signed by Megh Raj or whosoever may be the authority for the tradition.

(Initials of Dalhousie)

3/6

3. *From the Secretary to the Government of India with the Governor General to the Board of Administration for the Affairs of Punjab Foreign Deptt.*

APPENDIX 53

LORD DENNING RELENTS

3. The Sikh boy's Turban

Introduction

In the Race Relations Act 1976 Parliament tackled the problem of racial discrimination. It made it unlawful to discriminate on 'racial grounds' or against a 'racial group'.

Racial, is defined so as to prohibit discrimination on the grounds of colour, race, nationality or 'ethnic or national origins'.

There is the rub. 'Ethnic' is a word of uncertain meaning. It has changed its meaning from time to time. I would expect that in using the words 'ethnic origins' Parliament had in mind particularly the Jews. There must be no discrimination against the Jews in England. Anti-semitism must not be allowed here.

In a leading case just before my retirement we had to consider its application to the Sikhs. Our decision led to much discussion after my retirement. So I would tell you about it as part of my afterthoughts.

1. The facts

(i) *The headmaster's refusal*

On the last day but one of the summer term, 29 July 1982, we delivered judgement in *Mandla (Sewa Singh) v Dowell Lee*,¹ about a Sikh boy's turban. Could a Sikh schoolboy insist on wearing a turban at school? We said 'No.' These were the facts as I stated them in the Court of Appeal (page 934) :

Sewa Singh Mandla, the first plaintiff, is a Sikh and rightly proud of it. He is a solicitor of the Supreme Court, practising in Birmingham. In 1978 he applied to send his son Gurinder, the second plaintiff, to a private school in Birmingham called the Park Grove School. The boy was then aged 13. The school was very suitable for him. It had a high reputation. It took boys of all races. There were 305 boys altogether. Over 200 were English, but there were many others. Five were Sikhs, 34 Hindus, 16 Persians, six negroes, seven Chinese and about 15 from European countries.

Mr. Mandla took his son to see the headmaster. Both he and his son were wearing their turbans. The headmaster felt that it might give rise to difficulties if the boy wore his turban

1. [1982] 3 WLR 932.

in school. He asked the father : 'Will you consent to his removing his turban and cutting his hair ?' The father said : 'No. That is completely out of the question.' The headmaster said that he would think about it. Then on 24 July 1978, he wrote : 'Thank you for bringing your son to see me. As I promised, I have given much thought to the problem and I have reluctantly come to the conclusion that on balance it would be unwise to relax the school rules with regard to uniform. At the moment I do not see any way in which it would be possible to reconcile the two conflicting requirements. May I wish you well in your efforts to promote harmony and peace, and I hope you find a suitable school for your son without difficulty.'

Mr. Mandla did find another school for his son where he is allowed to wear his turban. So all is now well with them. But Mr. Mandla reported the headmaster to the Commission for Racial Equality. They took the matter up with the headmaster. On 19 September 1978, he wrote this letter :

"To make my position quite clear, the boy was not rejected because he was a Sikh since we do not make racial distinctions and we have several Sikhs in the school. It was the turban that was rejected and I believe your Acts cover people, not clothes.'

(ii) *The Commission for Racial Equality*

The Commission, however, did not let the matter rest. They decided to assist Mr. Mandla in legal proceedings against the headmaster. With their assistance in money and advice Mr. Mandla issued proceedings against the headmaster of the school in the Birmingham County Court. He claimed damages limited £500 and a declaration that the defendants had committed an act of unlawful discrimination. The judge heard the case for five days in February and June 1980, with many witnesses and much argument. The judge dismissed the claim.

The Commission for Racial Equality—in Mr. Mandla's name—appealed to the Court of Appeal. The headmaster appeared before us in person. He had not the means to instruct counsel and solicitors. He put his case moderately

and with restraint. He had himself done much research in the India Office Library and elsewhere. It must have taken him many hours and many days.

(iii) *The decision of the Court of Appeal*

We affirmed the decision of the judge. He came to his decision as a result of all the evidence before him. So did we. We held that the Sikhs were not a racial group. I said (page 938) :

On all this evidence, it is plain to me that the Sikhs, as a group, cannot be distinguished from other in the Punjab by reference to any racial characteristic whatever. They are only to be distinguished by their religion and culture. That is not an ethnic difference at all.

2. The reaction of the Sikhs

(i) *The Sikhs are very upset*

The Sikhs were very upset by this ruling. They had been successful in many cases in wearing their turbans. When Parliament passed a law requiring that everyone on a motor-cycle should wear a crash helmet, the Sikhs protested. They succeeded in getting an amending Act by which they could dispense with crash helmets and wear their turbans. Next, although it is the custom for all barristers and judges to wear wigs in court, the Sikhs do not follow that custom. They wear their turbans. No one objects. When all bus conductors in Wolverhampton were required to wear uniform caps, the Sikhs declined. They were allowed to wear their turbans. Likewise, a Sikh policeman need not wear a helmet. He can wear a turban.

(ii) *They call it an 'outrageous ruling'*

On 31 July 1982—the second day after our ruling—*The Times* came out with a headline :

Denning's Turban-boy Ruling Angers Sikhs

This was followed by an article which reported that the secretary of the Supreme Council of the Sikhs in Britain said that :

the ruling was absolutely outrageous and that Lord Denning was living up to his reputation as a judge who was against ethnic minorities.

(iii) *They organise a national protest*

The Sikhs organised a national protest march. They assembled in thousands at Speaker's Corner in Hyde Park. They marched to 10, Downing Street and presented a petition. Dignified, bearded, turbaned Sikhs announced the plan. This is what the leaflet said :

CALL FOR NATIONAL PROTEST MARCH

on Sunday 10th October, 1982

'AGAINST LORD DENNING'S RULING
AGAINST THE SIKHS'

ASSEMBLE AT HYDE PARK SPEAKERS
CORNER, LONDON AT 12.30 p.m.

PRESS INTERVIEWS AND SPEECHES BY
EMINENT PEOPLE FROM VARIOUS COMMUNITIES

Then PROCESSION Starts with the blessing of

SANT BABA PURAN SINGH JI

to 10, Downing Street,

Where a PETITION will be presented to
the PRIME MINISTER along with 75,000 or more
signatures against this ruling.

Day after day there were letters in the newspapers protesting against 'Lord Denning's ruling.' This was a mistake. It was not my ruling. It was the ruling of the Court of Appeal. The Court included two Lords Justices of the first quality, Lords Justices Oliver and Kerr.

3. The ruling was contrary to the intention of Parliament

It now appears that our ruling was contrary to the intention of Parliament. This was quite unknown to us in the Court of Appeal.

(i) *The Proceedings in Parliament*

Many commentators were quick to point out that the 'Denning ruling' was contrary to the intention of Parliament. *The Times* in its article on 31 July 1982 said this :

Race relations experts yesterday pointed to the White Paper on racial discrimination, which preceded, the 1976 Act, and specifically mentioned the wearing of turbans as an area which would be covered by the legislation.

On the following day, Sunday 1 August, *The Observer* had an article showing that they had examined the White Paper and all the proceedings in Parliament. They came out with this headline:

SIKH BOY : DENNING THWARTS COMMONS

and then said :

Lord Denning's judgment in the Court of Appeal last week that Britain's Sikh community is not a 'racial group' covered by the Race Relations Act is clearly contrary to Parliament's intention when the Act was passed in 1976.

In the White Paper which preceded legislation, the Labour Government expressly referred to its intention to protect people who were discriminated against for wearing turbans. Ministers confirmed that interpretation of the Bill while it was going through the Commons.

The marchers to Downing Street knew all about it too. They carried placards saying :

PARLIAMENT! HONOUR YOUR PLEDGE TO THE
SIKHS

(ii) *The views of Members*

The Sikhs canvassed the views of many leading Members of Parliament and issued a press statement showing that all of them condemned the ruling. According to it, Mr. Roy Hattersley, the Shadow Home Secretary, said :

Everyone who believes in a free society must despise the recent ruling by Lord Denning which effectively takes away

from the Sikh Community the right to wear a turban. . . . No one can seriously doubt that the Sikhs are a separate race with a specifically identifiable culture and religion. I am confident that the next Labour Government will, therefore, incorporate those changes. . . .

Mr. David Steel, the leader of the Liberal Party, said :

It is deeply regrettable that one of Lord Denning's final judgments should undermine the fundamental rights for the Sikhs to uphold a basic religious custom. I hope this bizarre judgment will be reversed on appeal, but if not we shall press for legislation at the earliest opportunity. . . .

The press statement added :

Although *Honourable Minister Timothy Raison* (Minister of State at the Home Office) has said that the judgment of Denning's is subject matter of an Appeal and is as such *sub judice*, yet Mr. Timothy Raison has recently said that the records of the Commons debate make it clear that the 1976 Race Relations Act was intended to protect Sikhs from wearing turbans.

4. The knowledge of the courts

(i) *The Court of Appeal did not know*

None of the parliamentary proceedings were known to the Court of Appeal. I have often said that the judges ought to be able to consult Hansard so as to see what the intention of Parliament was. But the House of Lords has repeatedly said that was wrong. So the Court of Appeal were told nothing of the White Paper or of the proceedings in the House of Commons. Nor was the trial judge told. If we had been told of them, or if the judge had been told of them, or if we had consulted them ourselves, it would certainly have influenced us. There would have been no occasion for the newspaper to say : 'SIKH BOY : DENNING THWARTS COMMONS'. It was never any part of our duty or business to thwart the Commons. Rather, it was our duty to carry out the intention of Parliament. If we had known of those proceedings, we might well have come to a different conclusion, and thereby saved any appeal to the House of Lords and any of the trouble that ensued as a result of our decision.

(ii) *Did the Lords know?*

The Commission for Racial Equality went to the House of Lords and asked for leave to appeal. They were given it. The House of Lords unanimously reversed our decision.¹ I cannot help asking myself: Did the House of Lords know about the White Paper and the proceedings in Parliament? Not *directly* of course. They would not be referred to them, nor would they consult them themselves. But would they have known *indirectly*? If they had read the newspapers they would have seen the flood of criticisms against the Court of Appeal's decision. They would have read that the Court of Appeal's ruling was contrary to the intention of Parliament. They would have read that it was the intention of Parliament that the Sikhs should be regarded as a 'racial group'. They would have seen that both Government and Opposition had intimated that they would introduce legislation to offset the decision of the Court of Appeal. I am tempted to suggest that if they do not read the newspapers, they must be sitting in an ivory tower. To my mind, that is not the right place for a judge to sit.

(iii) *Do they read the newspapers?*

There is one sentence in the judgment of Lord Fraser of Tullybelton in the House of Lords which shows that their Lordships *do* read the newspapers. In analysing the meaning of the words 'ethnic group', he referred to the dictionary definitions and rejected all of them. He said:²

... in seeking for the true meaning of 'ethnic' in the statute, we are not tied to the precise definition in any dictionary. The value of the 1972 definition is, in my view, that it shows that ethnic has come to be commonly used in a sense appreciably wider than the strictly racial or biological.

And then he made this illuminating comment:

That appears to me to be consistent with the ordinary experience of those who read newspapers at the present day. In my opinion, the word 'ethnic' still retains a racial

1. [1983] 2 WLR 620.

2. [1983] 2 WLR 620, 625.

flavour but it is used nowadays in an extended sense to include other characteristics which may be commonly thought of as being associated with common racial origin.

Now, reading that paragraph, it seems to me that the House of Lords were being guided by what they thought was the 'ordinary experience of those who read newspaper at the present day.' I ask myself: How are the Lords themselves to find out what is the view taken by 'those who read newspapers'? They must be putting themselves into the same position as newspaper readers. In some branches of the law we look for the meaning of the ordinary 'reasonable man'. Here the Lords are looking for the meaning given by the 'ordinary newspaper reader'. I should have thought that, on reading the criticisms of our decision, most newspaper readers would have said: 'The Court of Appeal were quite wrong. The Lords ought to reverse their decision.'

Not that I doubt the wisdom of judges reading the newspapers. I think they ought to read them, so as to keep in touch with public opinion. The law ought to accord with the right public opinion of today, and not be against it. Otherwise, it will not be held in respect.

5 The reasoning of the Lords

(i) *They follow a decision about the Jews*

The House of Lords were referred to a decision of the Court of Appeal in New Zealand in *King-Ansell v Police*.¹ The National Socialist Party of New Zealand had issued a pamphlet which contained inflammatory propaganda against 'the Jews'. The publisher was charged with an offence of publishing matter likely to excite ill-will against a group 'on the ground of the ethnic origins of the group'. The New Zealand Court of Appeal held that Jews were a group of 'ethnic origins'. The Court of Appeal in England were not referred to that case, but *I am sure we would have held the same. Everybody would agree with it.* Starting from that case, Lord Fraser of Tullybelton gave a definition in words which covered the Jews. He said:²

¹ [1976] 2 NZLR 531.

² [1983] 2 WLR 620, 625.

For a group to constitute an ethnic group in the sense of the Act of 1976, it must, in my opinion, regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. Some of these characteristics are essential; others are not essential but one or more of them will commonly be found and will help to distinguish the group from the surrounding community. The conditions which appear to me to be essential are these : (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (2) a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition to those two essential characteristics the following characteristics are in my opinion, relevant; (3) either a common geographical origin, or descent from a small number of common ancestors; (4) a common language, not necessarily peculiar to the group; (5) a common literature peculiar to the group; (6) a common religion different from that of neighbouring groups or from the general community surrounding it; (7) being a minority or being an oppressed or a dominant group within a larger community, for example a conquered people (say, the inhabitants of England shortly after the Norman conquest) and their conquerors might both be ethnic groups.

(ii) *Does it cover the Sikhs?*

The Jews have all those characteristics – but have the Sikhs?

On the reasoning of the Court of Appeal it would seem that the Sikhs were different from the Jews because any one can become a Sikh or not as he chooses, whereas a man cannot be a Jew. Lord Justice Oliver put the view of the Court of appeal in these words (page 941) :

... Mr Irvine (counsel for Mr. Mandla) may be right in saying that 'ethnic', as a word on its own, embrace than a merely racial concept—why otherwise, he asks, does the legislature use the word as an alternative to 'racial' or 'national'?—and I would accept that it embraces, perhaps,

notions of cultural or linguistic community. Nevertheless, in its popular meaning, it does, in my judgment, involve essentially a racial concept—the concept of something with which the members of the group are born; some fixed or inherited characteristic. I do not believe that the man in the street would apply the word ‘ethnic’ to a characteristic which the propositus could assume or reject as a matter of choice. No one, for instance, in ordinary speech, would describe a member of the Church of England or the Conservative Party as a member of an ethnic group.

Now that is *a fortiori* case, as it seems to me, when one uses the expression ‘ethnic origins’. What is embraced in that expression, to my mind, is the notion of a group distinguished by some peculiarity of birth, perhaps as a result of intermarriage within a community, but lacking any element of free-will. It seems to me entirely inappropriate to describe a group into and out of which any one may travel as a matter of free choice; and freedom of choice—to join or not to join, to remain or to leave—is inherent in the whole philosophy of Sikhism.

(iii) *It is widened so as to cover them*

The House of Lords widened the concept of ‘ethnic’ in these later words of Lord Fraser of Tullybelton (page 625) :

Provided a person who joins the group feels himself or herself to be a member of it, and is accepted by other members, then he is, for the purposes of the Act, a member.

By those words the House of Lords to my mind expanded the meaning of ‘ethnic group’ beyond that given to it by the Court of Appeal. Nevertheless, I would not complain of their decision. For we now know that Parliament in passing the Race Relations Act, 1976, intended that the words ‘ethnic origins’ should include the Sikhs.

6. The reasoning on ‘justifiable’

Although that was the main ground of decision, nevertheless there was another important point to be considered—namely, whether the conduct of the headmaster was in all the

circumstances justifiable. The statute allows a defence to a person who can show that what he did was justifiable.

(i) *In the Court of Appeal*

In the Court of Appeal, Lord Justice Oliver thought it was. He said this (page 942) :

. . . Mr Dowell Lee has put forward a number of considerations of varying cogency to justify his decision, including the not unreasonable one that, all other considerations apart, the school curriculum includes participation in sports such as swimming and rugby football which, almost of necessity, involve the removal of the turban. . . . For my part, I am far from persuaded that the judge was wrong in concluding that the condition was, in any event, a justifiable one.

(ii) *In the Lords*

In the House of Lords, Lord Fraser of Tullybelton was sympathetic to the view that the action of the headmaster was justifiable. He said (pages 628-629) :

. . . Regarded purely from the point of view of the headmaster, it was no doubt perfectly justifiable. He explained that he had no intention of discriminating against Sikhs. . . The reasons for having a school uniform were largely reasons of practical convenience—to minimise external differences between races and social classes, to discourage the 'competitive fashions' which he said tend to exist in a teenage community, and to present a Christian image of the school to outsiders, including prospective parents . . .

Lord Fraser went on to say that the headmaster had said, as more serious justification, that he sought to run a Christian school, accepting pupils of all religions and races, and he objected to the turban on the ground that it was an outward manifestation of a non-Christian faith. Indeed, he regarded it as a challenge to that faith. Then Lord Fraser included this important statement :

I have much sympathy with headmaster on this part of the case and I would have been glad to find that the rule was justifiable within the meaning of the statute, if I could have done so. But in my opinion that is impossible.

(iii) *A welcome decision*

So in the long run the House of Lords reversed both the judge and the Court of Appeal entirely. Their decision was welcomed by the Government because it relieved them from having to consider any legislation upon the point. It was in accord with the intention of Parliament when the Act was passed.

APPENDIX 54

JUSTICE KARTAR SINGH ON USE OF GURDWARAS FOR POLITICAL PURPOSES

A Note of Dissent : Swatantra Party's Enquiry

KARTAR INGH CAMPBELPURI

I agree with the findings and conclusions subject to a note of dissent on two of the findings which I am appending herewith.

1. I, regret that I have not been able to persuade myself to fall in line with the findings and observations made in the report with regard to the use of *gurdvārās* for the purpose of this agitation. I have, therefore, ventured to append a separate note by way of explanation or dissent on this important issue, which is not being appreciated by honest of the leaders of the country inasmuch as they honestly feel that *gurdvārā* is a *sanctum-sactorum* for worship only and critical issues ought not to be discussed or canvassed in the *gurdvārās*. The difficulty, however, is that this crucial point institutes a doctrinal issue based on a Sikh tenets like wearing of *kirpan*, and affects the basic postulates of Sikh religion, which emphasizes more on true living than mere doctrine of truth. Sikhism in sooth is not only a spiritual philosophy, but is a pragmatic and congregational religion and almost all the historical *gurdvārās* are surrounded by aura of politics.
2. It is, moreover, significant that *gurdvārās'* pulpits were used for political propaganda under the auspices of the Congress Party itself in the days of British rule and addresses have been presented to Congress leaders

on their visit to *gurdavārās* even after 1947 and speeches delivered by them on social, political and economic matters in recent past. The use of *gurdvārās* for cultural and political purposes accordingly is not tabooed by any injunction or convention. Dr. Gokul Chand Narang, in his book *Transformation of Sikhism*, has said that the Sikh religion had taken a political colour from the early stage of its history for protection against tyranny. It is a truism again, as said by another eminent writer that every political question is a social question and every social question is a religious question. Even Mahatma Gandhi preached in his prayers a synthesis of religion and politics. In point of fact, *gurdvārās*, as envisaged by Guru Nanak and subsequently developed by his successors, constitute a multi-purpose institutions. It is a place of worship but also provides food and lodging to whosoever that comes in the *langar*. It also serves as an educational institution, and trading centres have grown around almost all these historical *gurdvārās*.

3. S. Gurnam Singh, retired High Court Judge, when examined by the Committee, placed on record a monograph entitled *The Theopolitical Status of Golden Temple*, wherein the reasons for this Sikh attitude have been fully explained. The approach, however, in this monograph is scholarly and philosophical, and though believing that the position and status of Golden Temple is unique; I am not prepared to approve, in view of change of times, the use of *gurdvārās* as maintained in the monograph as permanent religious-cum-political institutions. But at critical times, when Sikhs are terrorised and muzzled to raise their voice in Press and public for ventilating their grievances with regard to their religion and other legitimate rights provided under the Constitution, it is only just that they should canvass the cultural-cum-political issues truthfully from the *gurdvārā* precincts in a peaceful and non-violent manner, of course without converting the *gurdvārās* into hide-outs for pro-

claimed offender, which is against the long cherished traditions of the Sikhs.

4. Now this principle ordained by religion dogmas or Sikh tenets as discussed above does not apply in the first instance to the present Punjab situation for the simple reason that the whole agitation is based on the question of language, namely Punjabi, and as such, the demand for a new State by alteration of area and boundary under Article 3 of the Constitution read with Article 29 of the Constitution is a cultural agitation. Language is bracketed with culture under Article 29 of the Constitution, which reads as follows :

“Any section of the citizens residing in the territory of India or any part thereof, having distinct language script or culture of its own, shall have the right to conserve the same.”

It is noteworthy that Punjabi language, which is recognised by the Constitution and the way of life of Punjab as compared with other States, fall within the purview of Article 29, and as such, any agitation by any section of citizens on the basis of language and culture is manifestly a legitimate and constitutional right. It follows that the use of *gurdvārās* for the purpose of this agitation is not exactly political as given out and propagated by those who oppose it; it is a cultural agitation, and the use of *gurdvārās* for this purpose cannot be said to be inappropriate. Of course, no one can be allowed to preach violence in any manner for the propagation of one's ideas and legitimate rights in *gurdvārās*.

5. Judged in this perspective, the question of ‘Theopolitical Status’ of *gurdvārās* does not arise in the present case. But even if the agitation, for the sake of argument, be believed to have political colour for the purpose of administration or the maintenance of law and order, even then not a single instance has been cited in the course of inquiry by anyone that any Hindu has been mishandled by any Sikh or *vice-versa* during these four months of agitation. Regarding any apprehension oft-repeated by Government side that

opponents of the demand would disturb the law and order, it is for the Government to curb such activities to meet the situation if at all it arises, but to send thousands of Sikhs behind the bars and create terror by indiscriminate arrests of people during night hours while in bed or while returning from Darbar Sahib after paying homage, on the vague suspicion of breach of peace only, is clearly to ride roughshod the rule of law in Secular Democratic Republic of India.

6. The other finding to which I cannot subscribe is contained in Para 18 which reads as follows :

“Our conclusion, therefore, is that the people of Punjab by and large both Hindus and Sikh feel that the demand for Punjabi Suba is not purely a linguistic aspiration”. This conclusion no doubt is attributed to the impact of the Punjabi Suba demand as discussed in paras 14 and 17 of the report; but this conclusion normally gives the impression that the majority of Sikhs and Hindus consider the demand to secure a home-land for the Sikhs and not a Punjabi State on linguistic basis. The position exactly prevailing at present in the Punjab is that the whole atmosphere has been surcharged and permeated with catch words and slogans as well as detached quotations from speeches made years ago by some Akali leaders, conveying that the Akalis actually want a Sikh State. This to my mind, is due to confused thinking for which the Akalis themselves are also responsible. I have gone through the representations, memoranda and letters addressed to higher authorities by the Akali leaders dispassionately in this quasi-judicial inquiry. It appears to me that in these lengthy representations, the mention of sacrifices made by the Sikhs in the struggle for independence, the assertion of having ruled Punjab at one time and the demand for the preservation of their honour and prestige etc., has been construed by their opponents to the effect that in the heart of hearts they want a Sikh State.

7. It is, however, unintelligible and preposterous even to think that any separate state can be carved out within

the polity of India and under the Federal Constitution of India. And this by itself furnishes a complete answer to the objection that Akalis want a Sikh State. The hard fact is that a large number of Hindus in the Punjab had denounced their mother tongue in the last census and forfeited the right of asking for a linguistic Punjabi State on the basis of Punjabi language, hence the task of making the demand has been taken up by the Akalis.

8. Furthermore, the evidence on the point of impact on Hindus and Sikhs brought on the record relates to the writings of some of the Sikh papers of 1955, *Rayasat* in particular, and cannot be safely treated as an evidence against the present agitation. The demand as now stated in the Resolution passed in the *All India Sikh Convention of May 22, 1960*, upon which the present agitation is based, bespeaks unequivocally as follows :

“We are demanding a Punjabi-speaking State within the comity of India and not an independent entity. The very federal structure of India stands as a full guarantee for all minorities in every state including the ‘coming Punjabi Suba’.

The Resolution further states that : “The Convention, therefore, appeals to the nation and the Government of India not to delay any more the inevitable formation of Punjabi-speaking State when all other unilingual states have already been carved out on linguistic basis and also hopes that better counsel shall prevail. This Convention, therefore, further urges that suitable non-violent, peaceful and constitutional steps as may be deemed necessary be taken for the realisation of our cherished objective, *i.e.* the Punjabi Suba.”

The latest position as enunciated in the above quotation of the All India Sikh Convention accordingly leaves no room for doubt that the agitation is for carving out unilingual Punjabi Suba on linguistic basis and the isolated extracts from previous speeches of 1955 or even after that, have no bearing. For all these reasons, I cannot see eye to eye with my learned

colleagues on the conclusion arrived at in Para 18 of the report. At the same time it may well be made clear that I am not concerned with the merits and demerits of the demand whatever it may be as said in Para 14 of the report as well.

APPENDIX 55

NOTIFICATIONS EXEMPTING SIKH SWORD

Exemption of Kirpan from Restrictions under the Arms Act

I

GOVERNMENT OF INDIA HOME DEPARTMENT

(i)

Notification of the Government of India Home Department, Judicial, No. 950, dated Simla, the 25th June, 1914.

In exercise of the power conferred by section 27 of the Indian Arms Act 1878 (XI of 1878), the Governor General-in-Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules 1909, namely :

In schedule II after the entry relating to the United Provinces of Agra and Oudh, the following shall be inserted, namely :

The Punjab (Kirpans possessed or carried by Sikhs). ALL.

(Sd) H. WHEELER,
Secretary to the Government of India.

(ii)

Notification of the Government of India Home Department, Judicial, No. 1118, dated Simla, the 17th July, 1914.

In exercise of the power conferred by Section 27 of the Indian Arms Act 1878 (XI of 1878) the Governor General-in-Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules, 1909 namely :

In schedule II after the entry relating to Coorg, the following shall be added :

The Province of Delhi (Kirpans possessed or carried by Sikhs), ALL.

(iii)

Notification of the Government of India, Home Department, Judicial, No. 2248, Dated, Simla, the 27th October, 1914.

In exercise of the powers conferred by section 27 of the Indian Arms Act 1878 (XI of 1878), the Governor General-in-Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules, 1909, namely :

In schedule II in the second and third columns against entry (a) relating to the province of Burma, after item (b), the following shall be inserted namely :

Kirpans possessed or carried by Sikhs...All.

(iv)

Letter No. 356, dated 29th June, 1917, from G.M. Young Esq., Under Secretary to the Government of India, to the Hony. Secretary, Chief Khalsa Diwan, Amritsar.

I am directed to acknowledge the receipt of your letter No. 2377 dated the 15th June, 1917, conveying the thanks of the Sikhs community for *the exemption of Kirpans throughout British India from the operation of the Indian Arms Act, 1878.*

The Gazettee of India, Simla, Saturday, May 19, 1917.

Home Department Notification No. 242.

Police

Simla, the 11th May, 1917. In exercise of the powers conferred by Section 27 of the Indian Arms Act 1878 (XI of 1878), the Governor General-in-Council is pleased to direct that the following amendment shall be made in schedule II of the Indian Arms Rules 1909, as subsequently amended, namely :

- (1) In item No. 1 (area—British India) the following shall be added in columns (2) and (3) respectively as entry No. (XI), Kirpans possessed by or carried by the Sikhs;
- (2) The entires referring to Kirpans in items Nos. 9, 10, 11 and 16 (areas—United Provinces, Punjab, Burma,

North West Frontier and Delhi Provinces) respectively shall be deleted.

Also see No. 242, from Gazette of India, Simla, May 19, 1917.

II

PESHAWAR

Memorandum No. 1060 G., Dated 26-2-17 from the Assistant Secretary to the Chief Commissioner, Peshawar, to the Secretary, Chief Khalsa Diwan, Amritsar.

In reply to his letter No. 40W, dated the 29th January, 1917, the undersigned is directed to inform the Honorary Secretary, Chief Khalsa Diwan, Amritsar, that under the Government of India, Home Department Notification No. 963, dated the 3rd November, 1916, the Kirpans possessed or carried by Sikhs in the North Western Frontier Provinces have been exempted from all directions and prohibitions contained in the Arms Act.

III

BAHAWALPUR STATE

(i)

From the Secretary (Anokh Singh Nidharak), Shiromani Akali Dal, Amritsar, to The Chief Secretary to H.H. the Nawab Sahib of Bahawalpur State, No. 1386/9, January 19, 1928.

I have the honour to bring to your kind notice that several reports have been received in this office of Shiromani Akali Dal that Sikhs from the Punjab and other provinces outside Bahawalpur State, while crossing the Bahawalpur State on their way to Bombay, etc., are arrested and convicted under Arms Act for wearing Kirpan. A recent report says that Bhai Mool Singh, Granthi of Multan, while going to Sukhur alighted at Bahawalpur city for some business and was arrested on 20.12.27 for wearing Kirpan.

As Kirpan is a religious symbol of the Sikhs and is exempted from the Arms Act by the Government of India, it is requested that Bhai Mool Singh may kindly be released and

his Kirpan restored. It is further requested that you will be pleased to get the exemption of Kirpan from all restrictions notified in the Bahawalpur State.

(ii)

From the S.A. Dal, Amritsar, to the Private Secretary to H.H. the Nawab of Bahawalpur State, No. 1710/9—January 20, 1928.

I have the honour to forward herewith a copy of Resolution No. 9 passed at the General Meeting of the Shiromani Akali Dal held on 10-4-28 for your best consideration and necessary action. It is further requested that you will be pleased to notify exemption of Kirpan from all restrictions laid on it in your state.

(iii)

From the same to H.H. the Nawab of Bahawalpur State, Bahawalpur, September 18, 1928.

Very recently Sikhs have been persecuted in the Bahawalpur State for wearing Kirpan, one of the religious emblems of the Sikhs. Sardar Gurmukh Singh of Minchnabad was confined in jail for 4 days and fined Rs. 10 besides the confiscation of Kirpan. On 27-8-28 Sardar Waryam Singh of Ghollian was also arrested at Khairpur and sent by the Judge at Khairpur to take his trial before the Munsif at Bahawalpur. Probably your Highness is aware that the Kirpan is exempted from Arms Act for the Sikhs throughout the British India.

Our representations and reminders in several previous cases to your Highness's Chief Secretary and the Private Secretary having failed to elicit and reply, I am now addressing Your Highness directly in the hope that Your Highness will take steps to remove this grievance of Sikh subjects of the Bahawalpur State. If a notification exempting Kirpan from the operation of the Arms Act in your state be made by Your Highness, it is sure to prevent any misunderstanding or wrongful arrest in the future.

(iv)

From Major Sheikh Hafizullah, B.A., L.L.B., Military Secretary to the Nawab Sahib Bahadur, Bahawalpur to the

Secretary, the Shiromani Akali Dal, Amritsar, No. 654, 19-10-28.

With reference to your letter No. 2025, dated the 18th September, 1928, addressed to His Highness the Nawab Sahib Bahadur of Bahawalpur, I am directed to state that under the Rules in force in the State a Kirpan not more than 9 inches in length is exempt from the operation of all prohibitions and directions contained in the Arms Act. A Kirpan longer than the prescribed length is considered as prohibited weapon within the State and the person wearing it, is dealt with under the Arms Act.

(v)

Telegram, Macleodganj Road, Shiromani Akali Dal, Amritsar

Sardar Jaswant Singh Danewalia, General Secretary, Shiromani Akali Dal, Amritsar, Punjab Ryasti Praja Mandal, has been arrested by State Police as he possessed long Kirpan, he has refused to give any bail nor he will produce any witness.—Arjan Singh, Secy. Akali Jatha, Bahawalpur State.

(vi)

Telegram from SAD, Asr., to Nawab Sahib Bahawalpur, Nov. 7, 1928.

Shiromani Akali Dal greatly agitated over arrest its General Secretary Sardar Jaswant Singh Danewalia for carrying Kirpan. Akali Dal regards State Police action condemnable. Kirpan sacred Sikh symbol. Much sensation prevails among Sikhs.

(vii)

Telegram, Macleodganj Rd., November 8, 1928, to SAD, Asr.

Jaswant Singh decision date 10th Minchinabad. Send responsible person on date. Arjan Singh.

(viii)

Telegram, Macleodganj Road, November 15, 1928, to SAD, Asr.

Mangal Singh imprisoned one month in Bahawalpur

Munsif's Court. Kirpan seized on eighth.—Arjan Singh, Secretary, Akali Jatha.

(ix)

Telegram, Macleodganj, November 29, 1928, Akali Dal, Asr.

Munsif Bahawal Nagar decision, Sardar Waryam Singh Gholian fined Rs. 30 or 3 months rigorous imprisonment. He has preferred jail.—Arjan Singh.

(x)

Telegram, November 25, 1928, to Gurudwara, Amritsar.

Hearty congratulation. Deputation efforts fruitful. Nawab Sahib has kindly agreed remove all restrictions on Kirpan and release prisoners.—Mangal Singh.

(xi)

By a notification published in Bahawalpur State local paper *Sadiq-ul-Akhbar* dated the 29th November, 1928. All restrictions on carrying Kirpans by the Sikhs were removed. Army Regulations India Vol. APP, III.

Rules relating to the possession of private arms by Indian officers, British, and Indian and other ranks.

Rule No. 17 Sikhs Kirpans : All Kirpans possessed or carried by Sikhs while serving in the army are exempt from the operation of the Indian Arms Act 1878, and Indian Arms Rule 1924 provided they conform to the measurements laid down, viz. a maximum length of $11\frac{1}{2}$ inches.

IV

SINDH

Government of Sindh Home Department, Resolution No. 1529-H/39 (I)

Sind Secretariat, Karachi, 22nd July, 1941

Resolution : In supersession of all previous orders on the subject Government are pleased to remove the ban on the

possession of 'Kirpans' with blades exceeding nine inches in length by Sikhs in the province of Sind.

2. The Director of information should be requested to issue a Press Note on the subject.

By Order of His Excellency the Governor,

Sd/- C.B.B. Clee.

Chief Secretary to Government

To

Inspector General of Police Sind, District Magistrates, District Judge, Secretary to His Excellency the Governor, Registrar Chief Court, Superintendent of Police, Director of Information Sind, Departments of the Secretariat.

V

UNITED PROVINCES OF AGRA & OUDH

(i)

Letter No. 876/VI-1397/1916, dated the 22-2-17 from the Secretary to Government United Provinces, to the Secretary Chief Khalsa Diwan, Amritsar.

With reference to the correspondence ending with your letter No. 639, dated the 1st February, 1917, I am directed to inform you that the necessary orders have been issued by the Government of India, exempting kirpans possessed or carried by Sikh, within the area of United Provinces, from all the prohibition and directions contained in the Indian Arms Act XI of 1878.

(ii)

Kirpans possessed or carried by Sikhs within the area of United Provinces are exempted from the operations of all the prohibitions contained in the Indian Arms Act XI of 1878. "See notification No. 1618 (Police), 7th July, 1916, published in Gazette of India July 15, 1916, page 970, Part I and G.O. No. 1278-VIII-221, dated 22nd May, 1922.

In 1940 a Sikh named Sher Singh son of Moti Singh, resident of Bhampur, Ilaga Surkha, District Farrukhabad, was challaned for possessing a sword besides a small kirpan by the Police. Babu Daya Shanker Mathur, Magistrate 1st Class,

acquitted the accused on 20th December, 1940, holding that word 'Kirpan' and 'Sword' conveyed one and the same meaning and that a Sikh could carry more than one Kirpan."

VI

BIHAR

By Notification No. 394-821-VI, dated the 5th June, 1928, the Governor-in-Council for Bihar was pleased to direct that the prohibitions and directions contained in the Indian Arms Act XI of 1878 shall not operate in the case of Sikhs going armed with Kirpans.

No restrictions of shape, size or length of a Kirpan is prescribed.

VII

INDORE STATE

By Hazur Sri Shankar Order No. III, dated the 11th April, 1932, the Sikhs were exempted under rule 9(1) of Indore Registration of Arms Rules 1932 from the operation of the said Rules in respect of the Kirpan possessed by every Sikh as one of the five essential symbols of Sikhism.

No restriction of shape, size or length of a Kirpan is prescribed.

VII

CENTRAL PROVINCES

(i)

From S. H. Y. Oulsnam, Esq., I.C.S., Under Secretary to Government, Central Provinces, to the Secretary, the Shiromani Akali Dal, Amritsar, No. 638/855/VI, Nagpur, November 25, 1927 (Police Deptt.)

With reference to your letter No. 1023/9, dated the 17th October, on the above subject, I am directed to forward for information copies of Notifications Nos. 634/855/VI and 635/855-VI, dated the 25th November, 1927, exempting Sikhs

from the operation of the provisions of section 13 of the Indian Arms Act throughout the Central Provinces and Berar in respect of their going armed with Kirpans whose blades do not exceed nine inches in length.

Government of the Central Provinces, Police Department

Notification No. 634/855-VI, *dated Nagpur, the 25th November 1927.*

In exercise of the powers conferred by the provisions in column 3 against entry I of the table appended to Schedule II of the Indian Arms Rules, 1924, and in modification of the Police Department Notification No. 1-111-VI, dated the 14th April, 1921, the Governor-in-Council is pleased to direct that prohibition and directions of section 13 of the Indian Arms Act, 1878, shall not operate throughout the Central Provinces in the case of Sikhs going armed with Kirpans whose blades do not exceed nine inches in length.

(ii)

No. 635/855-VI.—In exercise of the powers conferred by the provisions in column 3 against entry I of the table appended to Schedule II of the Berar Arms Rules, 1924, and in modification of the Police Department Notification No. 13-69-E-VI, dated the 3rd June, 1921, the Governor-in-Council is pleased to direct that the prohibitions and directions of Section 13 of the Indian Arms Act (XI of 1878), as applied to Berar, shall not operate through Berar in the case of Sikhs going armed with Kirpans whose blades do not exceed nine inches in length.

(iii)

From H. C. Gowan, Esquire, Chief Secy. to Government, Central Provinces, to the Secretary, Shiromani Akali Dal, Amritsar, No-C/639/821/VI, Pachmarhi, May, 1928.

I am directed to acknowledge the receipt of your letter No. 1217/9, dated the 2nd December, 1927, in which you ask that the order restricting the size of the Kirpans to 9 inches may be rescinded, and in reply to say that the Governor-in-Council

has been pleased to accede to your request. A notification is being issued removing the restriction in question.

Notification

No. 393-821-VI, Nagpur, the 5th June, 1928

In exercise of the power conferred by the provisions in column 3 against entry I of the table appended to Schedule II of the Indian Arms Rules, 1924, and in modification of the Police Department Notification No. 7-III-VI, dated the 14th April, 1921, the Governor-in-Council is pleased to direct that the prohibitions and directions of section 13 of the Indian Arms Act, 1878, shall not operate throughout the Central Provinces in the case of Sikhs going armed with Kirpans.

Police Department notification No. 634-855-VI, dated the 25th November, 1927, is hereby cancelled.

By order of the Governor-in-Council.

H.C. GOWAN,
Chief Secretary to Government

(iv)

From R.K. Nehru, Esq., Under Secretary to Government, Central Provinces to The Secretary, Shiromani Akali Dal, Amritsar, No. 621/766/ VI, Police Deptt., Nagpur, September 25, 1928.

In compliance with the request contained in your letter No. 2023/9, dated the 15th September, 1928, I am directed to forward herewith a copy of each of the Notification Nos. 393/821-VI, and 394/821-VI, dated the 5th June, 1928, regarding the exemption of Sikhs going armed with Kirpans from the prohibitions and direction of Section 13 of the Indians Arms Act, 1878, throughout the Central Province and Berar.

By Notification No. 393-821-VI dated the 5th June, 1928 the Governor-in-Council for Central Provinces was pleased to direct that the prohibitions and directions contained in the Indian Arms Act (XI of 1878) shall not operate in the case of Sikhs going armed with Kirpans.

No restriction of shape, size or length of a Kirpan is prescribed.

(v)

In order to get the position made further clear the Secretary, C.P. and Berar Gurdwara Parbandhak Committee, Nagpur, addressed an application to the Inspector General of Police, Nagpur, to which the following reply was sent by Mr. F.C. Taylor, D.I.G., by letter No. 3879, dated 11th November, 1936.

“Government has recently issued orders that the prohibitions and directions of section 13 of the Indian Arms Act shall not operate in case of Sikhs going armed with Kirpans, from this it follows that Kirpans are not ‘arms’ within the meaning of that section. Sikhs can, therefore, carry any number of any size of Kirpans.

IX

BOMBAY

By notification No. 1234-Political, dated the 20th July, 1925, Home Department, Kirpans not exceeding nine inches in length carried by Sikhs were exempted from the operation of all prohibition & restrictions contained in the Indian Arms Act (XI of 1878). But the new notification reproduced below removes the restriction on size of the Kirpan now :—

Notification No. 8985/4, Home Deptt., Bombay, 2nd August, 1946.

In exercise of the powers conferred on the Provincial Government by entry No. I in the table sub-joined to Schedule II appended to the Indian Arms Rules, 1924, the Government of Bombay is pleased to amend Government Notification in Home Department (Political) No. 1234-Pol. dated the 20th July/3rd August, 1925, as follows, *viz.* :

In the table appended to the said notification, for entry 3-A the following entry shall be substituted :

3-A The whole Bombay Presidency.	(a) Kirpan possessed by Sikhs and carried by Sikh	All except those contained in Sections 13 & 15
	(b) Kirpans All other than Sikhs	All

X

MADRAS

By his letter No 5806(0) G-I, dated 23rd April, 1946, the Secretary to Government of Madras informed the Shiromani Gurudwara Parbandhak Committee, Amritsar, that except in District Malabar, the possession of sword of whatever length including Kirpan does not require a license, by virtue of the exemption in entry in the Table under Schedule II to the Indian rule, 1924, from the operation of the prohibition and restrictions contained in the Arms Act, 1878. As regards Malabar District it stated in the said letter that neither a Sikh nor any other person except those who have been exempted under Schedule to the Indian Arm Rules may possess any sword or Kirpan without a license.

IX

BURMA

(i)

From W.T. Palmes, District Magistrate, Shwebe, to the Headquarters Magistrate, Shwebe, July 1, 1927.

I have the honour to lay a complaint under section 19 (e) Indian Arms Act, 1878, against Dalip Singh son of Narain Singh, at present residing at Sikh Temple Ye-U, in that on July 14th, 1927, at 4-45 p.m., Kanbya Railway Station, Township, he was found going armed with a Kirpan (exhibit) which is in excess of 9 inches the maximum length permitted under Schedule 11.3 (vi) of the Burma Arms Manual.

The offence committed by Ram Singh is aggravated by his refusal to surrender his Kirpan. He laid hand on the handle and said, he would not give it up, but would suffer arrest if such was ordered. He was accordingly arrested and after some hours in custody released on bail, after surrender of the Kirpan.

(ii)

From H.A. Thornton, Esquire, C.I.E., I.C.S., Commissioner of Sagaing Division, Sagaing, to the Deputy Commissioner,

Shwebe, General Department Letter No. 9717/SA-19, dated 8th August, 1927.

With reference to your General Department letter No. 6696/2P-4, dated the 27th July, 1927, I have the honour to say that you may withdraw the prosecutions under section 19 (e) Arms Act against the two Sikhs referred to on the ground that they had been wearing their Kirpans at a religious function.

(iii)

From Mr. W.B. Brander, Chief Secretary to the Government of Burma (Home & Political Deptt.), to the Secretary, Shiromani Akali Dal, Amritsar, Police Deptt., No. 59-C 22, Rangoon, dated the 17th Nov., 1927

I am directed to acknowledge the receipt of your letter No. 1023/9, dated the 17th October, 1927, forwarding a copy of resolution No. 252A passed at a meeting of the Working Committee of the Shiromani Akali Dal held on the 7th October 1927, and a copy of the Government of India, Home Department, Notification No. 242, dated the 11th May, 1917.

APPENDIX 56

THE SIKH GURDWARAS ACT

THE SIKH GURDWARAS ACT 1925
(Punjab Act 8 of 1925)

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1. *For Statement of Objects and Reasons, see Punjab Gazette 1925 Extraordinary dated 25th April, 1925 for the Report of the Select Committee, see Punjab Gazette, 1925, Extraordinary dated 20th June, 1925, and for proceedings in Councils, see Punjab Legislative Council Debates, Volume VIII, pages 1102-21, 1155 and 1205-97.*

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- Amended by Act XXIV of 1925.
- Amended by Punjab Act IV of 1926.
- Amended by Punjab Act XIII of 1926.
- Amended by Punjab Act I of 1927.
- Amended by Punjab Act III of 1930.
- Amended by Punjab Act IV of 1932.
- Amended in part by Government of India (Adaptation of India Laws) Order, 1937.
- Amended by Punjab Act VII of 1938.
- Amended by Punjab Act I of 1941.
- Amended by Punjab Act XI of 1944.
- Amended by India (Adaptation of existing India Laws) Order, 1947.
- Amended by East Punjab Act XLIV of 1948.
- Amended by the India Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40).
- Amended by East Punjab Act XXXII of 1949.
- Amended by the Adaptation of Laws Order, 1950.
- Amended by the Adaptation of Laws (Third Amendment) Order, 1951.
- Amended by Punjab Act No. XXVI of 1952.
- Amended by Punjab Act No. XXVII of 1953.
- Amended by Punjab Act No. XXV of 1953.
- Amended by Punjab Act No. XLII of 1953.
- Amended by Punjab Act No. XLIV of 1953.
- Amended by Punjab Act No. LII of 1953.
- Amended by Punjab Act No. V of 1954.
- Amended by Punjab Act No. XI of 1954.
- Amended by Punjab Act No. XXV of 1954.
- Amended by Punjab Act No. XXXVI of 1954.
- Amended by Punjab Act No. XXII of 1957.
- Amended by Punjab Act No. I of 1959.

—Amended by Punjab Act No. 10 of 1959.

—Amended by Punjab Act No. 10 of 1961.

—Amended by Ordinance 8 of 1986 but this Ordinance lapsed.

[Received the assent of the Governor-General on the 28th July, 1925, and was first published in the Punjab Gazette of the 7th August, 1925].

An Act to provide for the better administration of certain Sikh Gurdwaras and the inquiries into matters connected therewith.

Preamble.—Whereas it is expedient to provide for the better administration of certain Sikh Gurdwaras and for inquiries into matters and settlement of disputes connected therewith, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is thereby enacted as follows :

NOTE

Statement of objects and reasons.—“The present Sikh Gurdwaras and Shrines Bill is an effort to provide a legal procedure by which such gurdwaras and shrines as are, owing to their origin and habitual use, regarded by Sikhs as essentially places of Sikh worship, may be brought effectively and permanently under Sikh control and their administration reformed so as to make it consistent with the religious views of that community. The Sikh Gurdwaras and Shrines Act, 1922, which is to be repealed by the present Bill, failed to satisfy the aspirations of the Sikhs for various reasons. One, for instance, was that it did not establish permanent committee of management for Sikh Gurdwaras and Shrines. Nor did it provide for the speedy confirmation by judicial sanction of changes already introduced by the reforming party in the management of places of worship over which it had obtained effective control.

2. The present Bill provides a scheme of purely Sikh management, secured by statutory and legal sanction, for places of worship which are decided either by the legislature or by an independent tribunal set up for the purpose, or by an ordinary Court of law, to be in reality places of Sikh worship which should be managed by Sikhs.

3. The procedure by which a gurdwara or shrine can be placed under such management is provided in Parts I and II of the Act. Part III describes and regulates the manner of management.

4. There are three ways in which, under the Bill, the provisions of part III may be made applicable to a particular gurdwara or shrine :

(1) Certain places of worship about which no substantial doubt exists are placed forthwith in Schedule I. For the application of Part III to one of these, all that is necessary is the speedy assertion of a claim on behalf of the shrine to the property alleged to belong to it. This assertion will be by petition to the local Government.

(2) Whether any place not included in Schedule I should or should not be placed for management under the provisions of part III will be determined, upon petition duly made by fifty worshippers within a prescribed period by a special independent tribunal, subject to an appeal to the High Court. The principles to be applied or not are laid down in the Bill and upon a finding of certain facts the application of Part III will necessarily follow.

(3) The tribunal is to be appointed by the Local Government and its President will be a Judge of the High Court. It will not be permanent, and if recourse is not had to it to the local Government within the period prescribed, the only way in which the provisions of Part II can be applied to a place of worship will be by a suit of a special nature, similar to a suit under section 92 of the Code of Civil Procedure, instituted in an ordinary Court of law. For such suits provision is made in Part II.

5. Besides prescribing the procedure required for the application of Part III to a place of worship, Part I includes provisions for compensating hereditary office-holders who have been removed from office after the 1st of January, 1920, or who may prefer to resign in consequence of the application of Part III to the gurdwaras or shrines with which they are connected.

6. Once a gurdwara or shrine has been placed for management under Part III the jurisdiction of the Courts in respect of matters relating to it will be curtailed in several directions so

as to give the Central Board and Committees of management, set up under the provisions of that Part satisfactory measure of independent control. A temporary bar against procedure in the ordinary Courts is also provided pending adjudication by the tribunal or matter which it is given jurisdiction. Where such matters are in dispute in pending suits they are to be transferred to the tribunal for settlement.

7. The scheme of management provided under Part III contemplate the constitution of a Central (Sikh) Board of Control consisting principal of elected members, and the formation of committees of management, describes their functions, invests them with special powers, lays down certain principles by which they are to to be bound and provides for financial responsibility and audit. It also provides for the appointment of a judicial commission, consisting of three Sikhs, by which certain disputes relating to the administration of places of worship declared or held by the tribunal to be Sikh Gurdwaras or Shrines are to be settled. (Punjab Gazette Extraordinary, dated the 25th April 1925, pages 59-60).

APPENDIX 57

ANAND MARRIAGE ACT

[THE] ANAND MARRIAGE ACT, 1909 (ACT VII OF 1909)

[The Text of the Act printed here is as on 31-3-1979]

STATEMENT OF OBJECTS AND REASONS

“The object of the Bill is to set at rest doubts which may be raised of the validity of the marriage rite of the Sikhs called “Anand”.

This form of marriage has long been practised among the Sikhs but there are good reasons to believe that in the absence of validating enactment, doubts may be thrown upon it and Sikhs may have to face great difficulties in future and incur heavy expenses on suits instituted in the Civil Courts. It is also apprehended that in the absence of such law some Judicial Officers may be uncertain as to the validity of this orthodox Sikh custom.

It is desirable therefore, that all doubts should be set at rest for the future by passing this enactment which merely validates and accepting the rite by following any new principles.”—Gazette of India, 1908, Part V, p. 357.

[THE] ANAND MARRIAGE ACT, 1909

(ACT VII OF 1909)¹

(22nd October, 1909)

An Act to remove doubts as to the validity of the marriage ceremony common among the Sikhs called Anand.

WHEREAS it is expedient to remove any doubts as to the validity of the marriage ceremony common among the Sikhs called Anand: It is hereby enacted as follows :

- [1. For Report of Select Committee, See Gazette of India, 1908, Pt. V; p. 1034; and for Proceedings in Council see *ibid.*, 1908, Pt. VI, p. 156, and *ibid.*, 1909, Pt. VI, pp. 156, 161 and 165.]

This Act has been extended to the new Provinces and merged States by the Merged States (Laws) Act, 1949 (59 of 1949), S. 3 (1-1-1950) and to the Union Territories of Manipur, Tirpura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950), S. 3 (16-4-1950). Vindhya Pradesh now forms part of M.P. see States Reorganisation Act, 1956 (37 of 1956), S. 9 (1) (e) (1-11-1956).

The Act has been extended to the Union Territory of Dadra and Nagar Haveli by the Dadra and Nagar Haveli (Laws) Regulation 1963 (6 of 1963), S. 2 & First Sch. (w. e. f. 1-7-1965).

1. Short title and extent : (1) This Act may be called THE ANAND MARRIAGE ACT, 1909; and

(2) It extends to ¹[the whole of India except the State of Jammu and Kashmir.]

- [1. Substituted for the words “except the territories, which immediately before 1st November, 1956, were comprised in Part B States” by the Miscellaneous Personal Laws (Extension) Act 1959 (48 of 1959), S. 3 and Sch. I (w. e. f. 1-2-1960).]

Immediately before 1-11-1956 the following were the Part B States : Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Pepsu, Rajasthan, Saurashtra and Travancore Cochin.

2. Validity of Anand Marriages : All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been, with effect from the date of the solemnization of each respectively, good and valid in law.

APPENDIX 58

ANANDPUR SAHIB RESOLUTION

THE ANANDPUR SAHIB RESOLUTION AS ENDORSED BY SANT
HARCHAND SINGH LONGOWAL ON 23 OCTOBER 1982

Policy and Programme of the Shiromani Akali Dal adopted at
Shri Anandpur Sahib on 16-17 October 1983

(A) *Principles*

(i) The Shiromani Akali Dal is the supreme body of the Sikh Panth and as such is fully authorised to represent and lead them. The basis of this organisation depends on mutual relations, aspirations of man and his relations with the Creator.

(ii) These principles are embodied in the doctrines of Guru Nanak Dev, *viz.* Nam Japo (God Worship), Kirat Karo (Do hard labour) and Wand Chhako (share your hard earnings with others).

(B) *Aims*

The Shiromani Akali Dal shall strive for the fulfilment of following aims :

(i) Propagation of Religion and Sikh tenets and condemnation of atheism;

(ii) Maintaining the realisation of Panth's independent entity and creation of such an environment where Sikh sentiment can find its full expression;

(iii) Eradication of poverty and hunger through an equitable economic structure—increase in wealth and end of all exploitation;

(iv) Removal of illiteracy, untouchability and casteism as laid down in Sikh scriptures;

(v) Ending ill-health and sickness—condemnation of intoxicants—so that the community is inspired to protect the Nation.

PART I

The Shiromani Akali Dal considers it a primary task to Divinity among the Sikhs so that they are proud of being the same. In order to accomplish the same, the Akali Dal will initiate the following programme :

(a) Preaching the oneness of God, worship, belief in the Ten Gurus and the Holy Granth, and information about the doctrines explained by them for implementation by the Sikhs;

(b) For the successful preaching of Sikh Divinity, philosophy, tenets and kirtan etc. production of good preachers, dhadis and poets from Sikh Missionary Colleges so that preachers are able to propagate freely in India and abroad, villages and cities, schools and colleges etc.;

(c) The work of Amrit Parchar (Baptism) to be undertaken at a larger scale, particularly among the schools and colleges. Study circles of college professors and students to be organised for this purpose;

(d) Revival of Daswandh (donation of 1/10th of income) among the Sikhs;

(e) Respect and honour the Sikh historians, intellectuals, writers, Parcharaks, Granthis etc. and provide facilities to raise the standard of their life, training and work;

(f) In order to streamline the Gurdwara administration, arrangements to be made for the training of employees, maintenance of Gurdwara buildings and issuing of necessary directives to the SGPC members in this behalf;

(g) Correct printing of scriptures, research of old and new Sikh History, translation of scriptures and preparation of clean literature of Sikh principles;

(h) Strive for the enactment of new All India Gurdwara Act under which all Gurdwaras in the country are managed efficiently and endeavour that old institutions of the Sikhs like Aśis, Nirmala etc. become an integral part of the Sikh society;

(i) The Managers of all Gurdwaras in the world to be

woven in a single chain in order to have effective benefits of the common means of religious propaganda;

(j) To secure 'Open Darshan' of Sri Nankana Sahib and other Gurdwaras which have been snatched away from the Panth.

PART-II

Political

The panthic political aim is definitely based on the directives of the Tenth Guru, which is engraved on the pages of Sikh History and is in the mind of the Khalsa Panth—Its aim is, KHALSA JI KA BOL BALA.

To this end in view, the Shiromani Akali Dal will strive and wage struggles for the following :

(1) (a) The areas which have been taken away from Punjab or have been intentionally kept apart *e.g.* Dalhousie from district Gurdaspur; Chandigarh; Pinjore; Kalka and Ambala City in district Ambala; whole Una Tehsil of Hoshiarpur district; 'Desh' ilaqa of Nalagarh; Shahabad block of District Karnal, Sub Tehsils of Guhla and Tohana, Rattia Block of district Hissar and Sirsa Tehsil; 6 Tehsils of district Ganganagar of Rajasthan and the contiguous Punjabi speaking Sikh-populated areas, should be immediately merged with Punjab under one administrative unit;

(b) In this new Punjab, and other states the Central intervention should be restricted to Defence, Foreign Affairs, Post & Telegraphs, Currency and Railways. The rest of the departments should be under the direct control of Punjab;

(c) Effective arrangements should be made to safeguard the interest of the minority Sikh community living outside Punjab, so that they do not fall a prey to any discrimination;

(2) The Shiromani Akali Dal will also try that the Indian Constitution becomes Federal in the real sense and all states are equally represented at the Centre.

(3) The Shiromani Akali Dal feels that the foreign policy of the Congress Govt. is useless and harmful for the country and the nation as a whole. It will strive for good relations with all neighbouring countries, particularly where the Sikhs reside or where their religious shrines are found. Our foreign policy should not be tagged along with any other country;

(4) To ensure justice for Sikh employees at the Centre and States and to raise effective voice against injustice, meted out to them, is an important part of the Shiromani Akali Dal's programme. Particularly in the Defence Services, efforts will be made to maintain the conventions of the Sikhs and the demands of Sikh soldiers would be constantly kept in view. Shiromani Akali Dal will also try that the 'Kirpan' (sword) becomes an integral part of the Sikh soldiers' uniform;

(5) Creation of favourable atmosphere for the rehabilitation of ex-servicemen, revision of necessary concessions and safeguards for their rights so that they live a life of self-respect;

(6) The Shiromani Akali Dal feels that every man or woman, who has not been sentenced by a Court of law, should be allowed to keep a fire-arm without licence;

(7) The Shiromani Akali Dal favours a policy of prohibition and ban on smoking at public places.

APPENDIX 59

DOCUMENT OF THE DECLARATION OF KHALISTAN

Document II

DOCUMENTS OF THE DECLARATION OF 'KHALISTAN'*

Victory be in the name of one God.

Sri Akal Takhat Sahib, Amritsar : Five member
Panthak Committee.

The Panth Khalsa, founded by Sahib Sri Guru Gobind Singh Ji on the Baisakhi of 1699 A.D., once again as per the saying of *Dhar-Tej Krara* (Be a brave and glorious warrior) and as per Guru's ordained dictum, *Raj Karega Khalsa* (The Khalsa shall rule), through the Five member Panthak Committee nominated by the *Sarbat Khalsa* on 26th January, 1986,

* Reproduced here from *Sant Sipahi* (Saint Soldier), June 1986, pp. 25-28. *Sant Sipahi* is a Punjabi monthly founded by Master Tara Singh and now edited by his daughter Dr. Rajinder Kaur. The magazine is published from Amritsar. Translated in English by Manjit Ahluwalia, Nazer Singh Brar and Gopal Singh. Editor is thankful to Prof. Harish Puri and S.S. Narang of Guru Nanak Dev University, Amritsar for making necessary corrections.

fulfils the most cherished dream of the Sikhs (by this declaration) of 'Khalistan'.

On this auspicious day, from the *Holy Akal Takhat Sahib*, it is (on behalf of the five member *Panthak Committee*) hereby declare before all the States/Governments and notifies to them that from today onwards, the Khalsa Panth will have its own Home, the 'Khalistan', wherein will ever remain high in the air the flags, towers and posts of the Sikhs and wherein the writ of the Khalsa will run supreme. Herein the entire control of the government and administration shall vest in those who pray for the welfare of all and earn their livelihood by the sweat of their labour.

The slogan of 'Khalistan', which has been moving the hearts of the Sikhs and the Sikh youths for several years and the founding of which had been mentioned by Sant Baba Jarnail Singh Ji Khalsa Bhindranwale, on June 3, 1984 at the time of the military attack on *Sri Darbar Sahib* and *Sri Akal Takhat Sahib* by the Hindu Government of India. (Sic.) The Sikh Sangat had ratified this idea with great joy and thrill at the time of the *Sarbat Khalsa* convened on April, 13, 1986. The *Sikh Sangats* repeat their commitment to the dictum 'The Khalsa shall rule' in their daily prayer but it is today, that by unbounded grace of the Guru, the commitment to 'Khalistan' is being realised. The Five member *Panthak Committee* constituted by the *Sarbat Khalsa* convened by the *Damdami Taksal* today hereby declares (the formation of) 'Khalistan'.

This declaration of the Khalsa is made before the *Khalsa Panth* as well as the Sikh community (comprising of every Sikh : male, female, mother, brother etc.) so that all of us may, in accordance with our individual capacity, contribute to its cause physically, mentally, and financially and may thus prove worthy of our exalted Guru's saying of 'Maran Munsa, Suria Hak Hai, Jo Hoi Maran Parwano'. Today the five member *Panthak Committee* calls upon the entire Sikh nation to be ready for types of sufferings and sacrifices.

The wish of the Khalsa is to achieve the declared objective by the Guru's grace, love and affection. Our programme is :

'Na ko wairi nahi begana,
Sagal Sang hamko ban ai.'

(No one is our enemy and no one is stranger to us, all are our brethren).

We are not interested in creating any upheaval or in shedding undue blood and we expect the same from others too. We express our firm faith in resolving all the issues cordially and through a dialogue with the Hindu majority and the government of India. We hope that the government of India will not be blinded by an anti-Sikh attitude underlying Brahmanism and will face the reality by giving recognition to the formation of 'Khalistan'. This would be the real Satyagraha of Bharat.

Political Recognition

The *Khalsa Panth* demands political recognition (of the 'Khalistan') from all the powers of the world, especially America (U.S.A.), England, Pakistan, China, Canada, West Germany and from the Governments which are signatory to the Warsaw Pact, Italy, France, Japan, Sri Lanka, Nepal, Burma, Bhutan, Bangla Desh, Iran, Iraq, Saudi-Arabia, Israel, Ecuador etc. We also appeal to the member countries of U.N.O. to grant us recognition, help and assistance for the various political, military and other issues which have arisen or may arise concerning the human rights in the 'Khalistan'.

We are hopeful that the new government of 'Khalistan' will be formed soon but the *Panth* is seeking its political recognition in order to avoid the problems that may be caused by the delay in its recognition. We have already demanded recognition by the Government of India which should come forth in order to keep good neighbourly relations (between India and 'Khalistan') that will help in restoring peace and brotherhood in Punjab as well as in India, and encouraging toleration so as to end all bitterness of the day.

Since 'Khalistan' has come into being, the government of India should (respecting its existence) take political, military and administrative measures such as recalling its army of occupation and para-military forces. It should also direct its administration to execute the writ of 'Khalistan'.

'Khalistan', for the time being, does not intend to bring about any change in the present form of government/administration set up so that day-to-day work may not suffer. Only

the seals of Government of Punjab and India will be replaced by those of 'Khalistan'.

The Sikh community is especially commanded to be patient and toletrant. The Government Sikh officials, the Sikh soldiers and all kinds of Government/semi-Government employees should, without falling victim to any provocation, continue to do their duty honestly till some specific orders from the *Panth* are issued to them. This order is the most important because the Khalsa is desirous of avoiding every kind of upheavals, especially the destruction of State property and (natural) resources.

The task of forming the Government of 'Khalistan' has been left to its Prime Minister/President who will announce its formation at the earliest. All Sikh political organizations are hereby directed to declare their concurrence and allegiance to 'Khalistan,' and accord all possible help to make it a success. At this juncture, every Sikh is duty-bound to forge Panthic unity by brushing aside all kinds of differences.

Social Structure

The 'Khalistan' will function on the lines of the Guru's saying 'Jab lag Khalsa rahe niara, tab lag tej deo main sara' (So long as the Khalsa remains distinguishable, I shall bestow full glory upon him). No individual will be allowed to exploit others (either economically or socially), particularly the backward village community. Profiteering, black-marketing, adulteration and all such other offences and social inequalities will not be tolerated by the Khalsa, which will also not allow mental retardation of any individual. No particular community or sect will be allowed to impose selfish will arbitrarily upon others through the medium of press, writings, education or other media of publicity.

The constitutional arrangements will be made for the religion to act as the custodian of State. The Sikh religion will be the official creed of Khalistan. Further, it will be a paramount duty of the Government to see that Sikhism must flourish unhindered in Khalistan.

The chief objective before the political and administrative structure of the Khalistan will be the welfare of humanity and social service, as per the saying: It is sinful to employ our hands and legs, save in the service of others."

Every Sikh, male and female, will be guaranteed to develop and prosper to the best of his or her ability. The lack of education or social backwardness will not be allowed to stand in the way of progress. The monopoly of education with its feudalistic tendencies will also not be allowed to be used as a tool to deprive the uneducated of their rights just as the way in which the children of the urban settlers and the rich, outmanoeuvre all the children of the poor village folk and enjoy the bounties of nature much more than what is due, while on the other hand the children of the poor and the village people continue to remain backward from generation to generation due to illiteracy, poverty and sickness. The Khalistan government would like to base the distribution of all natural resources upon the fulfilment of basic necessities of life.

Feudalism and capitalism will not be allowed to influence the government machinery and the consciousness of the people. Contrary to it, no limitation will be imposed on any individual to prosper and flourish according to the best of his wisdom, labour and ability.

The people will be associated fully with the administrative tasks and their participation will ensure that the red tapism will not re-emerge in Khalistan. At the village level, the local men will be associated with civil, criminal, developmental and judicial administration of various types so that the false witnesses and police touts may not kill justice by concealing the truth. The association and involvement of the villagers will be secured through more than one (it may be two or three) tier systems to see that opportunity for appeal and arguments may be readily available and at low cost.

The policy of Khalistan will be as per the Guru's wish of 'Sarbat Da Bhala' (welfare of all) and a policy of encouraging a civilized life, of promoting the sense of brotherhood of mankind and a sense of involvement. The segregation of humanity based upon caste, jati, birth, locality and colour will not be permitted, and such divisions will be abolished by the use of political power. Likewise, such other cruel and distasteful practices ascribed to social-inequality, especially between Sikh males and females will be removed through the use of political power.

It will be the first endeavour of 'Khalistan' to maintain cordial relations with its neighbouring countries.

The 'Khalistan Commando Force' is under the charge of General Hari Singh, its commander-in-chief. This force shall serve as the nucleus of future defence organisation of 'Khalistan'.

The Sikhs living outside Punjab in India are hereby called upon to settle in Khalistan, so that they may not face any calamity such as the holocaust of November 1984. At the same time, money-minded and Keshdhari Hindus are hereby directed not to put hurdles in the way of *Khalsa Panth*.

The Shahi Imam of Delhi, Saiyyad Muhammad Abdul Bukhari, in his presidential address at the Sixth Seminar on 'Why not Khalistan?' held at Chandigarh on February 1, 1981, while referring to the bloody massacre of Sikhs by the Nirankaris on 13 April, 1978, at Amritsar, had observed that in free India the Muslims had been subjected to carnage but now the Sikhs too are being butchered. This observation of the Shahi Imam has proved to be prophetic. The Indian Punjab Government has started the assassination of the Amritdhari (baptised) Sikhs in Punjab. The innocent Sikh youths, without being tried in the courts are being killed in fake police encounters organised regularly.

The police chief of Rajasthan has complained about 400 such dead bodies found in the Rajasthan canal. Subsequent to this, in June 1984, the government of India, under the cover of curfew, butchered the entire Sangat gathered at *Sri Darbar Sahib* on the eve of Gurmurb celebrations of Sri Guru Arjun Dev Ji. Following this, the armed forces besieged all the Gurudwaras of Punjab and killed the Sikhs therein. Similar curfew was imposed on more than 12,000 villages of Punjab and Amritdhari (baptised) Sikhs were hunted down and martyred. Before starting this task of genocide of the baptised Sikhs, the Hindu military officers and sepoy were mentally and emotionally equipped through their official Magazine *Bat Cheet* for the complete extinction of the Sikhs. It was clearly spelt out in the *Bat Cheet* as to what were the distinctive marks of the Amritdhari Sikhs. It was mentioned that though outwardly they appear to be innocent, yet in reality they (Amritdhari Sikhs) are murderous, anti-national and extremist.

Therefore, it becomes the duty of every security personnel to inform their superiors of the whereabouts of any such Amritdhari Sikh they come across.

Nowhere in the history of the world, such an action has been taken by any Army against the citizens of its own country.

After this, when Indira (Gandhi) was assassinated by 'Beant bullets', the Hindu government of India, the new Prime-Minister, in league with his political and other official associates/advisers, executed the conspiracy of systematic killings of the Sikhs in Delhi for a number of days. This carnage has put to pale even the bloody carnage of Nadir Shah in Delhi.

Bhai Ajit Singh Bains, ex-judge, Punjab and Haryana High Court, Chandigarh, President of the Enquiry Committee constituted by the Barnala Government, while writing about the 100 false police encounters, expressed surprise over the fact that in none of these encounters, any police constable or an officer has been shown as wounded, nor any murder case has been registered against police. It is because in India, the government functions as per the saying : "O Lalo, falsehood is reigning all around." This shows the real meaning of Brahminical principles which proclaim 'only Truth wins' but practise falsehood. The singular aim of Brahmanism is to exterminate the Sikh religion root and branch because the Sikh religion is inimical to the Brahminical principles of caste-system and "bipran ki reet" (Karma system).

It is what was done by Shankracharya who secured the death of lakhs of Buddhist monks and destroyed their temples and other religious symbols by the use of military force. Although the Buddhist religion took its birth in Hindustan, and it spread in far-flung countries like China, Japan, Malaya and Burma etc., yet it was eliminated from its place of birth i.e. India. This reflects the real meaning of the Brahminical motto of *Ahimsa Parmo Dharma* (Non-violence is the supreme religion) !

Presently, Indian government is following the policy of Shankracharya, determined to annihilate the Sikhs and Sikhism by using all kinds of political, cultural, economic, administrative and military means. This is the real meaning of the (false) claims of Brahmanism of preaching tolerance. In free India,

attempts are made to put curbs on the minority communities/ religions. The voices are raised in the Indian Parliament to put a ban on the conversion of the Hindus. A petition was made before West Bengal High Court to put a ban on the Holy *Quran* of the Muslims.

Attempts are made to secure a total annihilation of the Sikhs, destruction of the Sikh religious symbols through military force, imprisonment of the Kirtani Jathas (singing groups), by registering false cases against them and threatening the Granthis (reader of the religious scriptures) in every village and involving them in false cases too, and putting them behind the bars without trial. We have already referred to the unequivocal anti-Sikh policies of the Indian government and the manner in which the Amritdhari Sikhs, the products of hard labour of the propagation of Sikhism, are being made the targets for elimination through the methods as enunciated in the *Bat Cheet*.

The Government has already exhibited its anti-Sikh attitude by depriving the Sikhs of the fundamental rights through false propaganda of declaring the Sikhs as extremists, murderers and traitors. It has been quite successful in concealing the facts from the world through its use of political power. To achieve this aim, there is censorship and ban on the the entry of foreign correspondents and newspaper editors in Punjab since 1984. If any organisation or individual reported anything concerning the miserable plight and annihilation of the Sikhs, it/he incurred the wrath of the government which struck like a thunder bolt.

As a result of the false propaganda of the government, the Sikhs had to suffer several hardships even in the countries known as the champions of Civil Rights such as, U.S.A., England, West Germany and Canada. The government of India, working by proxy (as a puppet of Brahmanism), contemplates that the Sikhs shall depart from the scene like a Bulbul which submits silently to the will of her hunter. Unfortunately, for Brahmins, the Sikhs have been taught by their Gurus to walk on this earth proudly and gracefully like a lion. This is, in brief, the tale of undeclared total war of the Indian government against the Sikhs. The war had begun in June 1984 with the Operation 'Blue Star' and the Operation 'Wood

Rose' (mopping up operation) continuing unabated till now. Some time back, when the government of Bangla Desh banned the entry of Sikhs in that country, and this issue was raised in the Indian Parliament, the Speaker Shri Balram Jakhar, most shamefully termed it as the 'internal matter of Bangla Desh'. There is hardly any worse example in the world of such a big political communalism. All the major political parties of India *i.e.* B.J.P., C.P.I.(M) organised themselves against the Sikhs and never condemned the massacre and the total annihilation of the Sikhs. This is the painful scene of the undeclared total war against the Sikhs. There is a popular saying that history repeats itself. Today again, as per the writing of Shah Muhammad :

Jang Hind-Punjab da hon laga,
Chareh Hindustani-Purbi-Dakkani ji.

(The war between India and Punjab has begun, and the Hindustanis belonging to the East and Deccan have attacked). At this critical juncture, we are (still) reluctant to declare a total war against India in retaliation (and have) only (retaliated) through declaration of *Khalistan* so that we may not be misunderstood and charged as aggressors in the world court.

If the Indian government does not stop its naked aggression, the five member *Panthak Committee* formed on 26th January, 1986 by the *Sarbat Khalsa* will approach the countries known for supporting the cause of human rights, for every kind of desired help, supply, assistance and sympathy. We appeal for similar help to the U.N.O. We shall ever feel grateful to the neighbouring countries which sympathise with our cause during our hours of deep crisis. We are also grateful to all those Sikh ladies and gentlemen living abroad who have espoused our cause. If they so desire, we are ready to offer the *Khalistan* citizenship to the Sikhs living abroad.

The five member *Panthak Committee* appeals to all the Sikhs not to loot arms and ammunition or other items from the Sikh houses. It also appeals to the Sikh *Sangats* to help in every possible manner those Sikh ladies and gents who are engaged in fighting for the cause of the formation of *Khalistan* since the (real) forts of the Sikhs are the Sikh *Sangats*.

APPENDIX 60

HOME MINISTRY'S NOTE ON KHALISTAN

ANNEXURE—XVIII

(Réf. Chapter V, para 5.47)

*Note prepared by the Secretariat on the Sikh's Demand for
'Khalistan'*

1. Ganga Singh Dhillon, a U.S. based travel agent came to India with passports, official seals, letter heads, maps and postal stamps of Khalistan in about the middle of March 1981. On the 17th and 18th March, the Sikh Educational Conference organised by the Chief Khalsa Diwan at the instance of Ganga Singh Dhillon passed a resolution demanding a separate State for the country's Sikhs. He handed over the material he had brought to Dal Khalsa, an extremist group of militant Sikh youths. At this conference were present Harbans Singh and R.S. Narula, former Chief Justice of Punjab and former Advocate General, A.S. Sarhadi. Spate of letters written on Khalistan letter heads and Khalistan stamps were widely circulated all over Punjab.

2. Dr. Jagjit Singh, a former Akali minister now based abroad, who styles himself as the President of the National Council for Khalistan, has been demanding a separate Sikh state for the last few years. He even announced the establishment of the provisional government of Khalistan in Canada. He has expressed the view that the political conditions for its growth in Punjab are now favourable. Balbir Singh Sandhu, a resident of Amritsar is the Secretary General of the National Council for Khalistan.

3. It may be recalled here that Prakash Singh Badal was signatory to a SGPC piloted resolution adopted at Ludhiana in 1973 demanding that all administrative control of Government affairs with the exception of defence, currency, foreign affairs and communications be vested with the federating state units.

4. On 3rd April, Khushwant Singh warned the Sikhs of the implications of a two nation theory where almost 20 per cent

of the Sikh community lives outside Punjab. Khushwant Singh also observed that the chief spectators of the sovereign Sikh State do not live in India but in U.K. and in constant and palpably treasonous intercourse with foreign elements. He warned the Sikhs to nip this noxious weed in the bud and not let it stifle their healthy growth in their own motherland, India. INDIA TODAY commented that the Akalis were using the issue to apply pressure on the Central Government for increased autonomy for Punjab in the form of more fiscal and political clout. Most Punjabis are united in the belief that Punjab currently needs a heavy dose of industrialisation and that their share of the national kitty is being used for the development of other states.

5. On 29th March, the SGPC headed by G.S. Throa—the apex body which controls historic Sikh shrines and educational institutions—passed a unanimous resolution declaring Sikhs to be a nation apart from other Indians.

On 16th April J.S. Talwandi courted arrest outside Parliament and sentenced to Jail for 10 days.

6. *On Baisakhi Day i.e. 13th April 1981, J.S. Talwandi a leader of the Akali Dal faction echoed the demand at a convention in Anandpur Sahib with the additional demand that a separate Sikh state should be given associate status at the U.N. Shahi Imam was present at the convention which in itself is highly significant. Sant Jarnail Singh Bhindrawale sect and Smt. Rajinder Kaur (daughter of Master Tara Singh) made fiery speeches in support of the Sikhs as a nation on 13th April at the Golden Temple. The text of the resolution adopted at Anandpur Sahib is reproduced below :*

“The status of the Sikhs as a nation stands historically recognised and accepted by major powers of the world right from the birth of the Khalsa up to the middle of the 20th century. Despite this the Sikhs whole-heartedly and with good faith opted for India at the time of the partition of this subcontinent into India and Pakistan by declining the offer of a separate Sikh State for them.

“No sooner did the Sikhs cast their lot with India, the rulers of New Delhi—who had been repeatedly holding out solemn pledges to the Sikhs that no Constitution would be

introduced in India without their prior approval and thorough satisfaction started committing a series of betrayals of their undertakings to the Sikhs.

“It is a matter of grave concern to the Sikh nation that they have been subjected to the personal laws of Hindus despite repeated requests, demands and protests by the Sikhs against such impositions. This has been done with a view to demolishing the separate entity of the Sikh nation. A calculated, malicious and nefarious propaganda, character assassination of the Sikhs through subtle and callous moves and acts of repression and suppression have become the order of the day.

“The Sikhs have noted with a sense of insecurity that attempts are being made by the dominant circles in the country to liquidate all members of the Sikh Panth from every walk of life. They have been denied justice, right of equal citizenship, due political status and a legitimate share in the country’s socio-economic set up in complete disregard of their creditable contribution towards the struggle for freedom and for building and defending free India in the fields of defence and food.

Fundamental Rights

“The plight of the Sikhs has been made so miserable that they are contemptuously treated as second-rate citizens, deprived of their fundamental rights of preservation of their separate entity with full freedom to practise their religion.

“The rejection of a very simple request of the Sikhs for installing the Golden Temple radio station for broadcasting exclusively shabad Kirtan—for which the Sikhs were to bear the expenses and which was to be under the complete control of the Union Government—is a monumental proof of suppression of the free practice of religious faith by the Sikhs in the present set up in India.

“Therefore this world convention of the Sikhs held under the auspices of the Shiromani Akali Dal at Anandpur Sahib, the birthplace of the Khalsa on April 13, 1981, its birthday anniversary unanimously resolves that the Sikh nation should immediately approach the United Nations for

its enrolment as an associate member for the honourable and dignified survival of the Sikhs and for rebuilding Des Punjab within the Union of India."

7. It may be noted here that earlier the word 'Panth' or 'community' had been the rallying point. Now the Persian word 'Qaum' has been translated as the word 'nation' or 'homeland' which are loaded words and can lead to much trouble.

8. The Longowal faction of the Akalis is more inclined to financial autonomy, the Talwandi for political one.

9. On April 14, the Centre set up the National Security Board in Punjab in order to deal sternly with separatists. Jagjit Singh's passport was impounded and G.S. Dhillon's visa was cancelled. Prakash Singh Badal of the Longowal group disassociated his Dal from the demand for a separate Sikh state. The Chief Khalsa Diwan on 16th April also disassociated itself from the demand and withdrew its demand for associate membership of the U.N. Sant Longowal explained the word as below :

"The exclusiveness of religion, caste, customs, traditions, culture, literature, history of the community of the Sikhs were the basis of a nation. East Germany and West Germany were two countries, yet the German nation is one...the UN is an organisation of different nations such as Hindus, Muslims, Sikhs and other communities."

10. Darbara Singh observed that some foreign powers have patronised right wing parties and groups which thrive on regional, communal and factional sentiment to create chaotic conditions. It patronised disgruntled persons. He further observed that when Akalis are out of power, they raise such issues to create conditions of destability in the border state of Punjab. They feel that by raising the demand they can prevent disintegration of their group and gain influence among small farmers. He emphasised that the people should be warned against dangerous repercussions of such demands and movements.

11. Balbir Singh Sandhu who lives in Amritsar stated that

Giani Zail Singh, Prakash Singh Badal, Jathedar Santokh Singh along with Communist Party and the Jan Sangh and Lok Dal are creating a lobby against us. He also claimed that during the last six months even the intellectuals have begun to give us moral support. He complimented Tohra for doing something but he talks more. He condemned Prakash Singh Badal, Balwant Singh and Ravi Inder Singh and observed that they have no love for Sikh religion or economic problems. They only want power.

Brief Historical Background

12. In 1946, SGPC passed a resolution for a Sikh state under the guidance of the Congressman Sardar Udham Singh Nagoke. It is said that the British had in fact proposed an Azad Punjab in the ratio of Hindus, Muslims and Sikhs as 40 : 20 : 20. Master Tara Singh chose to merge with India. In point of fact, Master Tara Singh had originally coined the Khalistan slogan when he began to lose his base to Pratap Singh Kairon. The presence of Shahi Imam at Anandpur Sahib on 13th April has been significant.

13. The Akalis have always been bargaining for more power and have demanded the implementation of the 1973 Anandpur Sahib resolution which would give Punjab administrative control of everything but defence, foreign affairs, currency and communications. The Sikhs feel that they have got a raw deal after independence. They resent any interference by the Centre in matters of religion. Their grouse is that Sikhs have not been sufficiently rewarded after independence. Bhan Singh, Secretary General of the Akali Dal (L) has observed that the percentage of Sikhs in the Army has fallen from 23 per cent to 7 per cent. But whenever there is aggression, they send Sikh soldiers to the war front. When aggression is over, they forget everything and even interfere in our religious affairs. Sikhs are also bitter about the fact that in the recent census Punjabi speaking Hindus put down Hindi as their mother-tongue, even if they did not know the Hindi word for mother-tongue. The ratio of Sikhs to Hindus used to be 68 to 32, but in the 1961 Census it came down to 55 : 45 as language was associated with religion.

14. NEW DELHI commented that religion is the most

sensitive point in Punjab. The election of Jathedar Santokh Singh as President of the SGPC has been interpreted as an interference by the Government in the internal affairs of Sikhs and later his nomination as the leader of Baisakhi pilgrims to Nankana Sahib has evoked much anger. The Sikhs also resent the fact that the Delhi Gurdwara Act took away the Delhi Gurdwara from the SGPC. Other irritants are applying the divorce laws to the Sikhs, refusal to instal a transmitter at the Golden Temple and the protection given to the Nirankaris. The economic grouses are lack of heavy industry, power, public sector projects etc. The nationalisation of Punjab and Sind Bank has also been resented. Balbir Singh a former Secretary to the Chief Khalsa Diwan also has a grouse that the Sikhs were banned entry in Saudi Arabia but the Central Government refused to help them. He also has complained for the unhelpful attitude of the Government of protecting Sikhs in Uganda and has a grouse that G.S. Dhillon, High Commissioner in Canada has refused to help them with problems of discrimination in Canada.

15. The Jullundur press has opened up another war front. It is whipping up anti-Sikh feelings in Punjab. These papers are Hind Samachar, Punjab Kesri and Pratap. Lala Jagat Narain and his son Ramesh Chandra who run three newspapers said : "Hindus and Harijans oppose this demand tooth and nail, we are also against more rights for Punjab, it is not safe with the communal background. It will be a Sikh Raj, no not even Sikh Raj but Akali Raj." They have also said that the foreign powers want to weaken India and that the third war will come here if Khalistan is not stopped in time. Such arguments push the Sikhs further to demand a Sikh state as observed by Sadhu Hamdard Singh, Editor of Ajit.

16. SUNDAY has observed that four different positions on the Khalistan issue have been taken up by a variety of Sikh leaders.

(i) At the radical extreme is the slogan for Khalistan separate sovereign country for the Sikhs. It has been raised by a handful of Sikh politicians such as Dr. Jagjit Singh and Balbir Singh Sandhu of the National Council of Khalistan.

(ii) Stand has been taken by the Akali Dal splinter group headed by Talwandi who demanded a Des Khalsa (Sikh Home-

land) with a seat at the United Nations. Des Khalsa would not be a separate country but would enjoy autonomy within the Indian framework vesting only four departments to the Central Government.

(iii) The third position has been taken by Akali Dal Sant group, which with 56 members in the 112 seat Punjab Assembly has its status as the major platform of the Sikh community. Of them militants like G.S. Tohra, President, SGPC, speaks about the need for a separate Sikh identity (nationhood) for which they also passed a resolution in the last week of March. The moderates led by Prakash Singh Badal have taken stand against this demand. The Akali Dal (Sant Group) has however started unequivocally that it does not associate itself with the demand for Khalistan. They claim that such talk is in fact by the Congress itself in order to keep Sikhs and Akalis divided. They further claim that Talwandi's faction is secretly pro-Congress-I and its demand is on the behest of certain senior Congress-I leaders. Shri Badal has claimed that demand for Khalistan or a separate state is being raised by interested parties including a few touts of foreign countries only to create disunity among the Sikhs. Our demand is for more powers but not for a separate state. The paper has commented that the talk of Khalistan has once again set at least some Sikhs aflame. Even Akali Dal (Sant Group) admit that this chingari (spark) can become dangerous. Sikh history throbs with an array of proud wars and martyrdoms. The worst fate that can befall any Sikh leader today is to become known as a coward or a buzdil. The danger is that moderation may become synonymous with cowardice.

17. The Sikhs have a proud history of fighting against the Mughals and their memory goes back to the great Sikh empire established by Maharaja Ranjit Singh. They have a great martial tradition and naturally ask : (1) why no Sikh has ever been made the Commander-in-Chief of the Indian Army ? (2) Why a Sikh has not ever been made a Vice-President of India ? (3) That the Sikh Gurdwara (Amendment) Bill is meant to divide the Sikhs and will destroy the apex body control of the SGPC ? (4) Why Punjab's quota of the Sikhs allowed to go to Pakistan has been reduced from 60 to 40 per cent. That is why SGPC did not nominate any Sikh to go to Pakistan this

year. (5) They say that whereas the Puniab is the leading producer of foodgrain and its industrial development in small sector has been considerable, why the Punjabi does not carry the same clout on the national scene as the UP and Maharashtra. "The Punjabi Sikh is in a perplexed mood and suffers from a persecution complex.

18. The SECULAR DEMOCRACY thinks that the Punjabis continue to be divided over the question of their language. The detail of Punjabi language by a section of Hindus has aggravated the aggressive Akali postures. The unfortunate feature is that the progressive forces have not made any concerned effort to remove misgivings by explaining the concept of the unity of the Punjabi people, the need to own up the Punjabi language and to fight the communal prejudice in concrete terms. It has suggested that propaganda literature should be brought out to emphasise the essential unity of the Puniabi people and to remove misgivings among certain sections. The misunderstanding could have been overcome if political-ideological work had not been relegated to the background in the face of exigencies of electoral politics.

19. The patriotic traditions in Punjab are very strong and deep rooted and hence the demand for Khalistan is not likely to gather much support. The danger springs from the demand for an amendment in the Constitution of India. It is, therefore, necessary that all right thinking people must stand up to the challenge of the separatist forces. Patient explanatory work should be taken up in right earnest to isolate the diehard communal and separatist elements. The secular forces must take to popularising the concept of the Punjabi nationality of which both Hindus and Sikhs are the two hands to strengthen and unify the Punjab. This task must be taken up by journalists, authors, political workers and leaders. After all the Sikhs have come out from the Hindu common stock and many of the relations of the Sikhs continue to be Hindus. The general grievances of the Sikhs should be removed. Both the Hindus and Sikhs of the Punjab are enterprising and hardworking people. Two issues need to be tackled on a priority basis *i.e.* the question of more powers to the State and the transfer of some of the Punjabi-speaking areas to the Punjab. If these

two issues are settled, it will weaken the communal forces and progressive forces will take the state ahead.

20. Prem Bhatia has rightly counselled the Government to avoid provocation for the use of the excessive force resulting in a death or serious injury will create a sense of injury which will be exploited by the frustrated leaders. The call for Dharma Yudh by Sant Harchand Longowal should be dealt with moderation and understanding. He has advised that earnest effort should be initiated to sift the genuine from the spurious demands, the purely political and exploitative from set of acknowledged grievances. Time has come to separate the chaff from the grain of recognisable facts. The Sikh demands should be catalogued by a respectable body of Sikhs. In his opinion the priesthood in the community which provides the political leadership cannot be expected to think or act differently from their frozen attitudes. A call has now been given by All India Sikh intelligentsia convention to nip the mischief in the bud and to clear the air of any uncertainty about the Sikh religion with socio-political ideals.

21. The SPOKESMAN has listed the following demands of the Sikhs :

- (i) Chandigarh was allotted to Punjab in 1971 and was to be transferred within five years;
- (ii) A commission of linguistic experts was to decide the fate of left out Punjabi speaking areas now in Haryana and Himachal Pradesh. These decisions should be implemented;
- (iii) Every state has full operational control over power and irrigation projects within its state but in Punjab's case Bhakra Nangal is under a Board appointed by New Delhi;
- (iv) Attempts are being made to snatch away the head-works at Ropar, Ferozepur and Harika;
- (v) Sikhs apprehend that the waters and power of Beas and Ravi are being given to Haryana and Rajasthan to the detriment of Punjab. It has warned that their historic and nationalistic traditions and their self-imposed restraints must not be taken as a sign of weakness.

22. The agitation launched by Talwandi raising the secessionist slogan of Khalistan has failed to evoke much response from the Sikh masses. Still the emergence of such a phenomenon deserves to be taken a serious note of particularly in the background of feverish preparations by Pakistan for arming itself including for the exploding of an atom bomb. The US and China are also coordinating their moves on the Pak-Afghan border and the Chinese have forged links with the Pakistan occupied Kashmir thus increasing threat to India's security. In fact, the Pakistani and American connections with Mr. G.S. Dhillon and Dr. Jagjit Singh are well known. The world forces are on the prowl to fan the flames of fanaticism and see that conditions of unrest and turmoil are created in the sensitive Indo-Pakistan border area.

23. It is high time that the democratic secular forces should assert themselves to see that the narrow Sikh communalism is contained and the imperialist game of anti-national movements causing destabilisation is nipped in time. The ambers of misunderstanding and discontent have been allowed to burn too long and the vested interests have been able to keep the pot boiling by demanding a Sikh state, Sikh homeland or Khalistan from time to time. The problem should be tackled with political sagacity and wisdom. The Punjabis, whether the Sikhs or the Hindus, have a vested interest in maintaining peace and law and order in the border state. They must give up their fight on the question of the Punjabi language which tends to divide and weaken the State. The section of Hindus who have denied Punjabi language as their mother-tongue should give up their stand and the Akalis, on the other hand, must understand that Punjabi language is not the monopoly of the Sikhs. Punjabi language instead of dividing them should lead to the unity of the Punjabi people. Perhaps the linguistic reorganisation of the Punjab could have saved the situation. The major political parties should undertake propagation of secular slogans and work for the unity of the Punjabi people instead of making political adjustments with communal forces in the face of the exigencies of electoral politics.

24. The word 'Sikh nation' or Sikh motherland has been used for a long time in the sense of religious community, a group of people with certain distinct rituals and practices for

a long time. It has a historical background. But the present demand for the amendment of the Constitution of India and associate membership of the UN is a challenge which should be met by patient explanatory work with the objective of isolating diehard separatist and communal forces. *The Punjabis form a vigorous nationality and the assertion thereof should be taken up by journalists, authors, political workers and the intelligentsia.* Side by side steps should be taken to remove the genuine Sikh grievances including the question of more powers to the state and the transfer of the Punjabi speaking areas to the Punjab.

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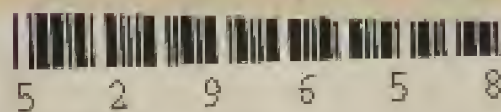
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